

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49861 of 2022

Arising Out of PS. Case No.-76 Year-2020 Thana- DELHA District- Gaya

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1. KAUSHAL KUMAR YADAV Son of Late Tulsi Yadav R/V- Tikuli Post and P.S- Chakand, dist- Gaya
 2. Suman Kumari Daughter of Ram Swarup Yadav, Wife of Kaushal Kumar Yadav @ Chhotu Yadav R/V- Tikuli Post and P.S- Chakand, dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No.2, Advocate

For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-12-2022 Learned counsel for the petitioners is permitted to remove the defects, as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 304(B) and 34 of the Indian Penal Code

Allegation against the petitioners is of committing torture and caused death of the victim due to non-fulfillment of demand of dowry.

Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely



implicated in the present case. He further submits that in fact the petitioner no. 1 is brother-in-law and petitioner no. 2 is sister-in-law of the deceased. He further submits that it appears from the F.I.R. that there is no specific allegation against the accused persons including the petitioners and after investigation police submitted final form but the learned Court below differing with the final form took cognizance against these petitioners. He further submits that co-accused namely Ramswarooop Yadav has been granted anticipatory bail by a Coordinate Bench of this Court by a Coordinate Bench of this Court vide order dated 23.06.2021 in Cr. Misc. No. 863 of 2021 and the case of the petitioner stands on similar footing.

Learned APP for the State as well as learned counsel for the informant have opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the petitioners, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection



with Delha P.S. Case No. 76 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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(Rajesh Kumar Verma, J)



