

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59314 of 2021

Arising Out of PS. Case No.-412 Year-2014 Thana- BARACHATTI District- Gaya

1. Lato Yadav S/o Late Dhanu Yadav R/o village- Pachamba, P.S.- Barachatti, District- Gaya
2. Vimal Yadav S/o Late Dhanu Yadav R/o village- Pachamba, P.S.- Barachatti, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-04-2022 Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

The application has been filed for grant of regular bail to the petitioners, above named, who have been made accused and put behind the bar in connection with Barachatti P. S. Case No. 412 of 2014 registered for the offences punishable under Sections 302, 328 and 201 /34 of the Indian Penal Code.

As per the prosecution case, it is alleged that the daughter of the informant was married to one Nago @ Nago



Yadav 25 years age. On 23.08.2014 the informant received information that her daughter was beaten by the husband and poisoned to death. The informant came and saw the dead body but on 24.08.2014, when they went to police station for institution of F.I.R., in the meantime, the husband along with other family members cremated the dead body.

It has been submitted by the learned counsel for the petitioners that both the petitioners are *dewar* of the deceased and there is general and omnibus allegation against them. The specific allegation has been levelled against the husband of the deceased. It is further submitted that subsequently, the informant has filed a petition stating therein that because of mistake of fact he has lodged the present case, as his daughter was a physically sick lady who subsequently died due to illness, in support of the aforesaid submission a compromise petition has also been filed in the Court below. It is next submitted that the husband of the deceased against whom there is specific allegation, has already been granted bail by co-ordinate Bench of this Hon'ble Court in Cr. Misc. 15112 of 2018 vide order dated 16.03.2018. A copy of which has been annexed as Annexure 3. It is next submitted that the petitioners are in custody since 13.08.2021.

On the other hand, learned APP for the State



opposes the bail application of the petitioners.

Having heard the submissions made on behalf of the parties and taking into consideration this fact that there is general and omnibus allegation against the petitioners and are in custody since 13.08.2021. So far, the husband of the deceased is concerned, against whom there is specific allegation, has already been granted bail by a Bench of this Hon'ble Court, apart from the fact that the informant himself filed a petition that the present F.I.R. has been instituted on account of mistake of fact and he does not want to pursue this case, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sherghatti, Gaya in connection with Barachatti P. S. Case No. 412 of 2014, subject to the condition that one of the bailors will be the close relative of the petitioners with further conditions which are as follows:-

- (i) The petitioners will cooperate in conclusion of the trial.
- (ii) They will remain present on each and every date of trial till disposal of the case.
- (iii) They will not try to tamper with the evidence or



intimidate the witnesses to delay the disposal of trial.

- (iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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