

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64726 of 2021

Arising Out of PS. Case No.-357 Year-2020 Thana- TRIVENIGANJ District- Supaul

1. RAJENDRA YADAV S/o Deonandan Yadav @ Gudar Yadav R/o village- Kusaha, Ward No. 12, P.S.- Triveniganj, District- Supaul
2. Shanti Devi W/o Rajendra Yadav R/o village- Kusaha, Ward No. 12, P.S.- Triveniganj, District- Supaul

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parmanand Kumar, Advocate

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 09-05-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek bail in a case registered for the offences punishable under Sections 302, 304(B), 201, 34 of the Indian Penal Code.

The learned counsel for the petitioners submits that the petitioners are in custody since 11.08.2021, are persons with clean antecedent, charge-sheet has been submitted in this case and charges have been framed.

The informant alleges that her daughter (deceased) was married to Chandan Yadav about 10 months back, after marriage, the accused persons including the petitioners were



demanding Rs. two lacs and a motorcycle. It is further alleged that her husband after assaulting, threatened that he will remove her from his way and perform second marriage and thereafter, left for Maharashtra. It is further alleged that the petitioners along with Kundan Yadav killed his daughter by pouring kerosene oil and set her ablaze.

Learned counsel for the petitioners submits that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that husband is not an accused when in the F.I.R. it is specifically alleged that he had assaulted and threatened the victim that he will remove her from his way and perform second marriage. Learned counsel submits that the informant is not an eyewitness to the occurrence and it appears that the informant in connivance with the husband has instituted this case as after investigation, the police submitted charge-sheet under Section 306 of the IPC, which *prima-facie* demonstrates that during the course of investigation no ingredients of the offence under Sections 302 and 304B of the IPC were found. Learned counsel further submits that it absolutely does not stand to reason that when the husband of the deceased was also demanding dowry and had tortured her, as alleged, then why he was not made an accused. It is further submitted that it appears that in order to



create pressure upon the petitioners and the brother-in-law of the deceased that they part with the property in favour of the husband of the deceased, the present false case has been instituted. Learned counsel further submits that during the course of investigation it has come that the deceased committed suicide by setting herself ablaze as she was not permitted to go to attend funeral of her sister, it is thus submitted that the issue was so trivial that it cannot be presumed that the petitioners in any manner abetted the suicide.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners and submits that in the FIR the allegation is against the petitioners and Kundan who were present in the house when the occurrence had taken place and even presuming that the victim had committed suicide then also the condition was made conducive by the petitioners for her to take such extreme step, but is not able to meet the submission of the learned counsel for the petitioner that the issue was so trivial that the same cannot be considered a factor for taking such extreme step.

Considering the fact that the petitioners are in custody since 11.08.2021, are persons with clean antecedent, charge-sheet has been submitted in the case, petitioner no.1 is a senior



citizen, are father-in-law and mother-in-law of the deceased and also taking into consideration the submissions advanced by the learned counsel for the petitioners, let the petitioners above named 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 the learned court below where the case is pending/successor court in connection with Triveniganj P.S. Case No. 357 of 2020.

(Satyavrat Verma, J)

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