

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66210 of 2021

Arising Out of PS. Case No.-813 Year-2020 Thana- PATRAKARNAGAR District- Patna

1. Nawal Kishore Yadav @ Nawal Kishore Prasad Son of Late Pragash Yadav @ Late Prakash Rai Resident of Mohalla - Kankarbagh, Gate No.- 15, P.S.- Patrakar Nagar, District - Patna
2. Raju Yadav @ Ravi Nandan Kumar @ Raja Yadav @ Ravi Yadav Son of Nawal Kishore Yadav @ Nawal Kihore Prasad Resident of Mohalla - Kankarbagh, Gate No.- 15, P.S.- Patrakar Nagar, District - Patna

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Durgesh Nandan, Advocate

For the Opposite Party/s : Mr. Md. Aatur Rahman, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-04-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State in virtual court proceeding.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioners seek bail in a case registered for the offences punishable under Sections 304(B)/34 of the Indian Penal Code.

According to prosecution case, the informant married his daughter Soni Kumari with Sonu Kumar @ Ashish Kumar on 16.04.2016. It is alleged that he gave cash and other articles as gift in the marriage. It is further alleged that after 10 days of



marriage, the husband and in-laws of her daughter started beating her and demanding Rs.50,000/- cash from her. It is further alleged that even panchayati was held but to n vain. It is further alleged that on 10.12.2020, her daughter was ousted from the matrimonial house for demand of Rs.50,000/-. It is further alleged that on 16.12.2020 she returned back but on 20.12.2020, the informant received information that her daughter has died. It is further alleged that when he reached there, he found that the dead body of her daughter was hanging from the ceiling fan and the husband and in-laws of her daughter had fled away.

Learned counsel for the petitioners submits that petitioner no.1 has clean antecedent and petitioner no.2 carries one criminal antecedent. He further submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons. He further submits that petitioner no.1 is the father-in-law of the deceased and petitioner no.2 is the brother-in-law of the deceased. He further submits that similarly situated, co-accused, namely, Monu Yadav has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated



10.09.2021 passed in Cr. Misc. No. 31153 of 2021 and another co-accused Nawal Kishore Yadav has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 21.12.2021 passed in Cr. Misc. No. 30818 of 2021. The petitioners are in custody since 23.08.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that petitioner no.2 carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Patrakar Nagar P.S. Case No. 813 of 2020, subject to the 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 bond shall be cancelled by the Court below.



2. If the petitioners tamper with the evidence or the witnesses, 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 antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.

(Rajesh Kumar Verma, J)

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