

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72519 of 2021

Arising Out of PS. Case No.-68 Year-2021 Thana- SAKURABAD District- Jehanabad

1. VISHWANATH YADAV SON OF LATE INDRADEO YADAV R/O VILLAGE- GOPALPUR, P.S.- SHAKURABAD, DISTRICT- JEHANABAD
2. SAHESH YADAV SON OF VISHWANATH YADAV R/O VILLAGE- GOPALPUR, P.S.- SHAKURABAD, DISTRICT- JEHANABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar
For the Opposite Party/s : Mr.Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 26-07-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek bail in connection with Shakurabad P.S. Case No. 68 of 2021 registered for the offences punishable under Sections 304(B)/201/34 of the Indian Penal Code.

As per prosecution case, the informant married his daughter with co-accused Maheshi Yadav five years ago. The informant's daughter gave birth to one child after that she was being assaulted and abused for the demand of dowry. It is



alleged that petitioners and others committed the murder of informant's daughter by burning her.

Learned counsel for the petitioners submits that petitioners are in custody since 17.07.2021. Petitioners bear no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner no. 1 is father in law and petitioner no. 2 is Bhasur of the victim (deceased). Learned counsel submits a supplementary affidavit in which he has stated that sons of petitioner no. 1 is divided in the year 2013 since then petitioner no. 2 (son of petitioner no. 1) is living separately from his brother (husband of the deceased). Petitioner no. 2 has nothing to do with the family affairs of victim (deceased). Petitioners were never demanded dowry from the deceased or from her family.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, petitioner no. 1 is father in law and petitioner no. 2 is Bhasur of victim (deceased) and they are



living separately as submitted by the supplementary affidavit and keeping in view the clean antecedent of the petitioners and also taking into consideration the material available on record, 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 Md. Zeeshan Chand, learned J.M. 1st Class, Jehanabad in connection with Shakurabad. P.S. Case No. 68 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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