

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2391 of 2023

Arising Out of PS. Case No.-119 Year-2022 Thana- PANDARAK District- Patna

RAJIV YADAV S/o Ghutar Yadav R/o Village- Mirachak, P.S.- Pandarak,
Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Om Prakash Maharaj, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 24-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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

Prosecution case, in brief, as contained in the fardbeyan of the informant, namely, Suresh Yadav is that he was solemnized the marriage of his daughter with Dhiraj Yadav according to Hindu Rites and Rituals five years ago. After sometime, all the family members started demand of motorcycle and on non-fulfillment they started torture his daughter and she made complaint to him. On dated 13.08.2022 at about 8:00 AM, he got information by mobile that his daughter has died and on this information, we went there then saw his daughter is dead



and also found black spot on her neck.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that petitioner is the brother-in-law of the deceased and it appears from the F.I.R. that there is general and omnibus allegation against the petitioner and there is no specific allegation of any assault or overt act against the petitioner and co-accused. He further submits that the husband of the deceased, namely, Dheeraj Yadav, is in custody since 22.12.2022 and the petitioner has no concern at all with the family affairs of the deceased. He further submits that police after investigation submitted the chargesheet against the petitioner and the petitioner is in custody since 12.09.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Pandarak P.S. Case No. 119 of 2022 subject to the following conditions:-



1. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, 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.

(Rajesh Kumar Verma, J)

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