

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5123 of 2023

Arising Out of PS. Case No.-113 Year-2021 Thana- SHAHKUND District- Bhagalpur

1. VISHNUDEO YADAV S/O BADHAN YADAV Resident of village- Jagarnathpur, P.S.- Sajour, District- Bhagalpur.
2. SUKHA DEVI @ SIKHA DEVI @ @ SIKHA DEVI W/O VISHUNDEO YADAV Resident of village- Jagarnathpur, P.S.- Sajour, District- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Adv.
Mr. Pravin Kumar Sinha, Adv.
For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-08-2023 1. Heard Mr. N. K. Agrawal, learned senior counsel for the
petitioners and learned Additional Public Prosecutor for the State.

2. Petitioners, who are in custody since 02.08.2022 seek
bail in connection with Shahkund (Sajour) P.S. Case No. 113/2021,
dated 13.04.2021, G.R. No.1598/2021, registered for the offences
punishable under Sections 304(B), 34 of the I.P.C.

3. According to prosecution case, the petitioners being the
father-in-law and mother-in-law of the deceased are said to have
killed the deceased by burning her due to non-fulfillment of the
demand of dowry.

4. Learned counsel for the petitioners submits that the
petitioners have clean antecedent and they have falsely been
implicated in the present case merely on the ground that the



petitioners are father-in-law and mother-in-law of the deceased. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. He further submits that the informant is not an eyewitness of the alleged occurrence and merely on the basis of suspicion, they have been falsely implicated in the present false and fabricated case. He further submits that it has come during investigation that the deceased had committed suicide herself and the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 02.08.2022.

5. Learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioners and submits that anticipatory bail petition of the petitioners was rejected by the co-ordinate Bench of this Court and the husband of the deceased was not present at the time of occurrence, so, both are responsible for alleged occurrence.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail after framing of charge, 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 A.C.J.M.-II, Bhagalpur, in connection with Shahkund (Sajour) P.S. Case No. 113/2021, G.R. No.1598/2021, 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)

amit/-

U		T	
---	--	---	--

