

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9489 of 2023

Arising Out of PS. Case No.-501 Year-2022 Thana- RAJAOLI District- Nawada

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1. KANCHAN DEVI D/O Kashi Yadav Resident of Village- Mandih, P.S.- Rajauli, District- Nawada
 2. KASHI YADAV Son of Late Dashrath Yadav Resident of Village- Mandih, P.S.- Rajauli, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar

For the Opposite Party/s : Mr. Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 10-07-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 302, 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are daughter and father, it is next submitted that informant is father-in-law of the petitioner No. 1 and alleges that his son was assaulted by the petitioners leading to his death.

Learned counsel for the petitioner submits that the petitioners have been falsely implicated in the present case, it is next submitted that the relationship between the petitioner No. 1



and the deceased along with his family members had soured for which Rajauli P.S. Case No. 151 of 2020 dated 18.04.2020 was instituted under Section 498A read with other Sections of the IPC, it is next submitted that the petitioner No. 1, after institution of the aforesaid police case, was residing with his parents and had no concern with the deceased. Learned counsel next submits that since petitioner No. 1 was staying with her parent, as such, it does not appear probable that the deceased would have come to her parental home and there he would have been assaulted, it is next submitted that the informant is not an eye-witness to the occurrence and merely on surmises and conjectures has instituted the present case.

Learned counsel next submits that the petitioners will not abscond and will cooperate in the investigation and will present themselves as and when required by the Investigating Officer for eliciting the truth.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on



anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Rajauli P.S. Case No. 501 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that the petitioners, despite giving assurance to this Court, are not cooperating in the investigation or are not making themselves available as and when called, the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioners after recording reasons.

Let a copy of this order be sent to the concerned P.S. through the learned Trial Court.

(Satyavrat Verma, J)

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