

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36305 of 2023

Arising Out of PS. Case No.-74 Year-2021 Thana- DHANGAI District- Gaya

SUDEEP YADAV SON OF NARAYAN YADAV RESIDENT OF VILLAGE
TULA CHAK, PS -DHANGAI ,DIST- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mahendra Thakur, Advocate
	:	Mr. Vijay Kumar, Advocate
For the Opposite Party/s	:	Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 05.11.2021 in connection with Dhangai P.S. Case No. 74 of 2021, F.I.R. dated 02.11.2021 registered for the offence punishable under Sections 304(B)/34 of IPC.

3. As per FIR, allegation against the petitioner is that he alongwith co-accused persons killed the informant's daughter namely Lalita Devi and threw in a Well. Petitioner alongwith other accused persons always used to torture and assaulted the deceased for fulfill the demand of dowry in form of a motorcycle after her marriage.

4. Learned counsel appearing for the petitioner



submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Further submits that from bare perusal of the FIR it appears that the date of occurrence as alleged in the FIR is 27.10.2021 but the present FIR has been instituted on 02.11.2021. Before filing of the present FIR, the inquest report was prepared on 31.11.2021 and the postmortem was conducted on 01.11.2021 and afterthought and well prepared the present FIR has been instituted only to falsely implicate the petitioner in the present case and the postmortem report is concerned there is no ante mortem injury was found on the person of the deceased and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 05.11.2021.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner

6. Considering the aforesaid facts, 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 learned Judicial Magistrate 1st Class, Sherghati, Gaya in connection with Dhangai P.S. Case No. 74 of 2021, with the following conditions:-



(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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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