

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41969 of 2023

Arising Out of PS. Case No.-300 Year-2022 Thana- HUSSAINGANJ District- Siwan

1. Rambabu Yadav Son Of Hira Yadav Resident Of Village - Balethari, Police Station - Hussainganj (M.H. Nagar), District - Siwan
2. Hiramati Devi Wife Of Raj Ballabh Yadav Resident Of Village - Balethari, Police Station - Hussainganj (M.H. Nagar), District - Siwan
3. Rita Devi @ Geeta Devi Wife Of Late Dhananjay Yadav Resident Of Village - Balethari, Police Station - Hussainganj (M.H. Nagar), District - Siwan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Tiwary, Advocate
For the State	:	Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 3 19-08-2023 1. Heard the learned counsel for the petitioners and learned APP for the State.
2. This is an application for grant of anticipatory bail in connection with Hussainganj (M.H.Nagar) P.S. Case No.300 of 2022, registered for offences under Sections 304B/34 of the IPC and Sections 3/4 of the Dowry Prohibition Act.
3. The case of the prosecution, in brief, is that the marriage of the daughter of the informant had taken place with one Munna Yadav, who happens to be the son of petitioner no.2, on



27.02.2016, whereafter the accused persons started demanding a motorcycle and a gold chain, by way of dowry and on account of non-fulfillment of the said demand for dowry, the daughter of the informant was physically and mentally tortured, and then, killed by the accused persons.

4. The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. It is submitted that the petitioner no.1 is cousin father-in-law of the deceased-victim lady, while the petitioner no.2 is the mother-in-law and the petitioner no.3 is sister-in-law of the deceased-victim lady and they have got no connection with the alleged occurrence, inasmuch as they are living separately from the husband of the deceased victim lady. Nonetheless, it is submitted that the main accused person, who might be the husband of the deceased victim lady, namely, Munna Yadav is ready and willing to surrender, hence the petitioners be granted the privilege of anticipatory



bail subject to said Munna Yadav surrendering before the learned trial court.

5. *Per contra*, the learned APP for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that no specific allegation has been levelled against the petitioners of them having either tortured or killed the deceased victim lady, apart from the fact that it is the contention of the petitioners that the main accused person, namely, Munna Yadav, who is the husband of the deceased victim lady, has taken a decision to surrender before the learned trial court, though I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail, however subject to the husband of the deceased victim lady, namely, Munna Yadav surrendering before the learned Court of Sub-divisional Judicial Magistrate, Siwan in



connection with Hussainganj (M.H. Nagar) P. S. Case No.300 of 2022, within a period of two weeks from today, and further subject to such other conditions as may be deemed fit and proper to be imposed by the learned trial court.

7. Accordingly, the present petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

kanchan/-

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

