

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44321 of 2022

Arising Out of PS. Case No.-354 Year-2021 Thana- SHIVSAGAR District- Rohtas

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YOGENDRA YADAV S/O JAGARNATH YADAV @ JAGARNATH SINGH
Resident of village- Konar, P.S.- Sheosagar, District- Rohtas

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Adv.
For the Opposite Party/s	:	Mr. Shailendra Kumar Singh, APP
For the Informant	:	Mr. Babu Nandan Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 13-03-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

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

According to prosecution case, the allegation against
the petitioner is that he along with other co-accused persons
committed murder of the daughter of the informant due to non-
fulfillment of the demand of dowry.

Learned counsel for the petitioner submits that the the
petitioner has clean antecedent and he has falsely been
implicated in the present case. The petitioner is husband of the
deceased. He further submits that it appears from the F.I.R. that



there is general and omnibus allegation against the petitioner. There is no specific allegation of any assault or overt act against the petitioner. He further submits that during investigation, it has come that the deceased has committed suicide herself. During investigation, paragraph no. 31, 32 and 33 of the case diary, it has come that the deceased has committed suicide herself and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 09.12.2021.

The learned counsel for the informant as well as learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioner and submit that there is sufficient material against the petitioner.

Vide order dated 01.02.2023 a report was called for with regard to the stage of the trial. Report dated 14.02.2023 reveals that at present the record is fixed for appearance of the accused person namely, Jaganath Singh. Learned counsel for the petitioner submits that in view of the report, the trial is not likely to be completed in near future and the petitioner is in custody since 09.12.2021.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail, after framing of



charge if not framed, 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 Shivsagar P.S. Case No. 354 of 2021, 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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