

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47394 of 2023

Arising Out of PS. Case No.-30 Year-2023 Thana- KASIMBAZAR District- Munger

1. RAHUL YADAV S/O SAKALDEV YADAV R/O Village- Ward No. 24, Lakhminia, Babji Tola P.S- Balia, Distt.- Begusarai.
2. Usha Devi W/O Sakaldev Yadav R/O Village- Ward No. 24, Lakhminia, Babji Tola P.S- Balia, Distt.- Begusarai.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 06-12-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Kasim Bazar P.S. Case No.30 of 2023 registered for the offences punishable under Sections 120B, 306 and 34 of the Indian Penal Code. They have got no criminal antecedent.

3. As per the prosecution story, the allegation against the petitioners is that they along with other in-laws were involved in demand of dowry from the informant's daughter and on non-fulfillment of the same, they were not accepting her as daughter-in-law due to which she committed suicide.

4. Learned counsel for the petitioners submits that the

fact that petitioner was forcibly abducted on gunpoint and married with the deceased Anjali Kumari even though he kept on saying that he is married and have got children. In this regard, the petitioner no.1 submitted information to the Senior police officers and also filed an Information Petition No. 1560 of 2022 in the court of learned C.J.M., Begusarai.

5. Learned counsel submits that the petitioner had filed a Complaint Case No. 1001 of 2022 in which he alleged that he was forcibly abducted and an illegal marriage has been solemnised with Anjali Kumari. In the said complaint case, cognizance has been taken.

6. Learned counsel further submits that the first wife of the petitioner no.1 has also filed a complaint (Annexure '2') in which she has stated that her husband was abducted and forced to marry one girl.

7. It is submitted that petitioner no.2 is the mother of petitioner no.1 and both the petitioners have been falsely implicated in this case. It is a case of suicide and this Court has been informed that investigation of the case is still pending.

8. Learned A.P.P. for the State has though opposed the prayer for pre-arrest bail of the petitioners, however, no material has been placed before this Court from the case diary to show otherwise, in the circumstances, this Court directs that in case of

their arrest or surrender within a period of four weeks from today, the petitioners above named be released on bail in connection with Kasim Bazar P.S. Case No.30 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Munger subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

9. 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.

10. Further condition that within two weeks from today, the petitioner no.1 shall appear before the Investigating Officer of the case and cooperate in course of investigation.

11. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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