

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55023 of 2023

Arising Out of PS. Case No.-240 Year-2020 Thana- PHULPARAS District- Madhubani

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GANESH YADAV SON OF RAMCHANDRA YADAV RESIDENT OF
VILLAGE- HULASPATTI, PS- PHULPRAS, DISTT- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shivnandan Bharti, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 25-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Phulparas P.S. Case No. 240 of 2020 registered under Sections 304B and 201/34 of the Indian Penal Code lodged on 01.06.2020 by the informant, Ram Shankar Yadav.

As per the prosecution story, the informant alleged that his daughter was married to one Ganesh Yadav, (petitioner herein) but due to non-fulfillment of dowry, she was tortured regularly. It has been further alleged that on 31.05.2020, he was informed that accused persons committed murder of his daughter. He reached the place of funeral and saw the half burnt body. Accordingly, the FIR.



Learned counsel for the petitioner submits the case was lodged only on the ground of suspicion. In the deposition as P.W. 1 before the Trial Court, the informant stated that she died natural death and there was no such demand of dowry. The deposition has been annexed with the petition (Annexure-2).

Learned APP for the State opposes the prayer for bail and conceded that the informant has deposed otherwise.

Taking into account the deposition of the informant as also the other family members as also that he is in custody since 16.06.2022 (as stated in paragraph-9) of the petition, Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned District and Sessions Judge -III, Jhanjharpur in connection with Phulparas P.S. Case No. No. 240 of 2020, subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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