

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56441 of 2022

Arising Out of PS. Case No.-250 Year-2019 Thana- BENIPATTI District- Madhubani

Mohan Yadav Son of Late Jagdeep Yadav Resident of Village- Meghwan,
P.S.- Benipatti, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Advocate Mr. Ravi Prakash, Advocate Mr. Rajesh Kumar, Advocate Mr. Vinod Kumar, Advocate
For the Opposite Party/s :		Mr. Mohammad Sufyan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 28-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 328, 302, 34 of the Indian Penal Code.

According to prosecution case, Informant has alleged in his written complaint that his daughter Manju Devi was married with Mohan Yadav (petitioner) in the year 2007 and from said wedlock three children were born, however, it is further alleged that she was tortured in her matrimonial home by her in laws including petitioner.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears



from the F.I.R. that there is general and omnibus allegation against all the accused persons including the petitioner and there is no specific allegation of any assault or overt-act the petitioner. He further submits that the allegation as alleged in the F.I.R. is false and fabricated. He further submits that in fact the victim was died during course of treatment in the DMCH and the during investigation the police found cases true against the petitioner under Section 306/34 of the Indian Penal Code and police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 06.07.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail, **after framing of charge**, 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 Benipatti P.S. Case No. 250 of 2019, 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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