

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56822 of 2023

Arising Out of PS. Case No.-146 Year-2023 Thana- BANKA District- Banka

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1. CHANDRA SHEKHAR YADAV, son of Late Hari Yadav, Village- Bar Mahua (Domuhan), P.S. and Dist- Banka
 2. Suchit Yadav @ Suchit Kumar, son of Late Hari Yadav Village- Bar Mahua (Domuhan), P.S. and Dist- Banka
 3. Sobatiya Devi, wife of Late Hari Yadav, Village- Bar Mahua (Domuhan) P.S. and Dist- Banka

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate
For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-08-2023 Heard Mr. Sanjay Kumar Jha, learned counsel appearing on behalf of the petitioners and the learned APP for the State.

2. The petitioners no. 1 and 2, who happens to be the brother-in-laws, whereas petitioner no.3 is mother-in-law of the deceased, are apprehending their arrest in connection with Banka P.S. Case No. 146 of 2023 registered for the offences punishable under Sections 498(A), 304(B)/34 of the Indian Penal Code.

3. Allegedly the marriage of the sister of the informant was solemnized in the year 2021. However, soon after the marriage, the sister of the informant was subjected to demand of



dowry and on account of non-fulfillment of the same, she was done to death by all the accused persons. There is specific allegation that the victim was assaulted by means of *Lathi* and thereafter she was strangled by a wire.

4. Learned counsel appearing on behalf of the petitioners submits that the petitioners no.1 and 2, who are brother-in-law, and they are separate in their mess and they have no concern with the affairs of the deceased and her husband. In order to support the aforesaid submission, a *Panchnama* has been brought on record showing a partition amongst the three brothers. That apart, the thrust of allegation is levelled against the husband of the deceased, who is behind the bar. He next submits that the impugned order also suggests that during the course of post-mortem, no mark of any violence has been found over the body of the deceased, though a ligature mark has been found over the neck of the deceased and so far the opinion regarding the cause of death is concerned, it is kept reserved till receipt of viscera report. He lastly submits that the petitioners are persons of fair antecedent and they undertake that they will fully cooperate in the investigation or the proceeding in the Court.

5. On the other hand, learned APP for the State



opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that petitioners no. 1 and 2 are brother-in-laws and petitioner no.3 is mother-in-law, who have been residing separately from the deceased and her husband and the post-mortem report does not suggest any mark of violence over the body of the deceased, which falsifies the allegation of assault by means of *Lathi* and *Danda*, let the petitioners, named above, in the event of their arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Banka P.S. Case No. 146 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioners.

(Harish Kumar, J)

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