

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70021 of 2022

Arising Out of PS. Case No.-263 Year-2022 Thana- PAKARIBARAW District- Nawada

1. SATYENDRA YADAV S/O Sahdev Yadav R/O Village- Math Gulani, P.S
Pakribarawan District- Nawada
2. Sahdev Yadav S/O Late Chulhan Yadav R/O Village- Math Gulani, P.S
Pakribarawan District- Nawada

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vibhuti Ranjan Sonvadra

For the Opposite Party/s : Mr.Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 16-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners seek bail, who is in custody since
29.06.2022 and 10.09.2022 respectively, in connection with
Pakribarawan P.S. Case No. 263 of 2022, F.I.R. dated
27.06.2022, registered for the offences punishable under
Sections 302/34 of the Indian Penal Code.

Prosecution story is that the informant, Kush Kumar
gave his written report before the Pakribarawan P.S. that his
younger sister, Abha Devi, was married to Satyendra Yadav
fifteen years ago and three daughters were born out of wedlock,
but due to no birth of son, Satyendra Yadav solemnized second



marriage with another girl and from the time of performing second marriage, Satyendra Yadav started to torture his sister and finally killed on 26.06.2022 by pressing her neck.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that merely on the ground that petitioner No.1 is husband of the deceased and petitioner No.2 is the father-in-law. Learned counsel for the petitioner further submits that the allegation and the FIR is false and fabricated and the petitioners have never demanded any dowry and the informant is not an eye witness of the alleged occurrence and on the basis of suspicion, they have implicated in the present case and the police after investigation submitted charge-sheet and the petitioner No.1 is in custody since 29.06.2022 and petitioner No.2 is in custody since 10.09.2022 respectively.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that from para 32 and 33 of the case diary that the daughter of the petitioner No.1, namely, Ajisa Kumari and Manisha Kumari has recorded statement and they have accordingly stated that the petitioner No.1, namely, Satyendra



Yadav, has committed murder of her mother. Learned counsel for the State also fairly submits that the petitioner No.2 is living separately and they have no concern with the family affairs of the deceased.

Considering the facts and circumstances of the case, let the petitioner No.2, namely, Sahdev Yadav, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Nawada, in connection with Pakribarawan P.S. Case No. 263 of 2022, subject to the following conditions :-

(1) Petitioner No.2 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 No.2 tampers with the evidence or the witness, 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 antecedents, the court below shall take step for cancellation of bail bond of the petitioner No.2. 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.

So far as bail petition of petitioner No.1 is concerned, from the reasons mentioned above, it is rejected.

(Rajesh Kumar Verma, J)

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