

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1031 of 2023

Arising Out of PS. Case No.-565 Year-2022 Thana- MAJHAULIA District- West Champaran

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YOGI SAH @ YOGENDRA SAH SON OF KAPILDEV SAH R/O VILL.-
JAWKATIA, P.S.- MAJHAULIYA, DISTT.- WEST CHAMPARAN AT
BETTIAH

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Advocate

For the Opposite Party/s : Mr.Shantanu Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-04-2023 Heard the parties.

The petitioner is in custody in connection with Majhauliya P.S. Case No. 565 of 2022 for the offence under Sections 304B, 201 and 34 of the I.P.C. pending in the Court of Learned Chief Judicial Magistrate, Bettiah, lodged on 01.08.2022 by Manju Devi.

As per the prosecution story, the informant alleged that her daughter Pinki Devi was married to Nitesh Sah, as per Hindu rites and rituals and Rupees Ten Lakhs was given as dowry. It was further alleged that soon after the marriage, the in-laws started torturing her daughter for further dowry. It was also alleged that co-accused Nitesh Sah, had illicit relationship with his sister-in-law, and when the same was protested by the



deceased, all accused persons assaulted her. Further, on 17.07.2022, the daughter of the informant caught her husband red-handed with his sister-in-law and when she informed about the same to her in-laws, they all killed her. Upon getting the news of her daughter's death, she rushed to the spot and saw her daughter's dead body with several injury marks and when she disclosed her intention of getting the matter reported, all accused persons including the petitioner forced her out and disposed of the body.

Learned counsel for the petitioner submits that he is distant relative of the in-laws of the deceased and his only fault was being mediator to the said marriage for which he has already remained in custody since 06.11.2022 (para 10 of the petition).

Taking into account the fact that he was a mediator in the marriage, the main allegation is on the in-laws, he has already been in custody since 06.11.2022, has no criminal antecedent, this Court is inclined to extend him the privilege of bail.

Let the petitioner be released on bail, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial



Magistrate, Bettiah, West Champaran , in connection with
Majhauriya P.S. Case No. 565 of 2022 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
bail bond by the Trial Court itself;

(iii) 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 the bail bonds;

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

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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