

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18764 of 2024

Arising Out of PS. Case No.-35 Year-2023 Thana- AAYAR District- Bhojpur

Lallu Yadav @ Awadh Bihari Yadav son of Late Ram Pravesh Yadav Village-
Barghara PS- Aayar Distt- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deovind Kumar Singh, Adv.

For the Opposite Party/s : Mr.Satya Nand Shukla, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 10-05-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner seeks bail in a case registered for the
offence punishable under Sections 304(B)/34 of IPC and Section
3/4 of the Dowry Act.

3. All the F.I.R. named accused persons including this
petitioner, on non-fulfillment of demand of dowry, in furtherance
of the common intention are said to have committed murder of the
sister of the informant after assaulting.

4. Vide order dated 10.04.2024, a report was called for,
regarding the stage of trial. In compliance thereof, a report sent by
the Additional District & Sessions Judge II, Bhojpur, Ara dated
04.04.2024, kept at Flag 'R', whereby it is submitted that in
Sessions Trial No. 493/2023 arising out of Aayar P.S. Case No. 35
of 2023, charge has been framed against the petitioner on
30.11.2023 and this case is pending for evidence for prosecution.



5. Learned counsel for the petitioner submits that petitioner is quite innocent and he has committed no offence. He has falsely been implicated in the present case due to ulterior motive. No such occurrence as alleged has ever taken place. He has neither made any dowry demand nor killed the deceased. All the allegations levelled against him are totally false and based on concocted facts. The real fact is that the deceased herself committed suicide by consuming the poison. It is further submitted that petitioner has no criminal antecedent and he is in judicial custody since 13.04.2023.

6. Learned APP for the State opposes the prayer for bail.

7. Having regard to the facts and circumstances of the case as well as considering the period of judicial custody and the fact that the petitioner has been made accused in the present case merely on suspicion, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Aayar P.S. Case No. 35 of 2023, subject to the following conditions:

(1) One of the bailors will be own close relatives of the petitioner who will give an affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform



the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) The petitioner shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

(Anjani Kumar Sharan, J)

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