

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34823 of 2024

Arising Out of PS. Case No.-113 Year-2017 Thana- KHUSRUPUR District- Patna

1. Sawarath Yadav @ Swarth Yadav Son Of Late Jehal Singh R/O Village- Chhotaki Hassanpur, P.S.- Khusaroopur, Dist-Patna
2. Jako Devi @ Sako Devi Wife Of Sawarath Yadav @ Swarth Yadav R/O Village- Chhotaki Hassanpur, P.S.- Khusaroopur, Dist-Patna
3. Kaushal Yadav @ Kaushal Kumar Son Of Sawarath Yadav @ Swarth Yadav R/O Village- Chhotaki Hassanpur, P.S.- Khusaroopur, Dist-Patna
4. Rajdev Yadav @ Rajdevo Yadav Son Of Nanhak Yadav R/O Village- Naraina, P.S.- Fathua, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Munish Kumar, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-08-2024 Heard Mr. Manish Kumar, learned counsel for the
petitioners and Mr. Anil Kumar, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Khusrupur P.S. Case No. 113 of 2017, F.I.R. dated 17.06.2017 registered for the offences punishable under Sections 304(B), 228/34 of the Indian Penal Code.

3. Allegation against the petitioners is of committing torture and caused death due to non-fulfillment of demand of dowry.



4. Learned counsel for the petitioners submits that the petitioner nos. 1 and 3 carry one more case other than the present one and petitioner nos. 2 and 4 having clean antecedents and they have been falsely implicated in the present case. He further submits that from perusal of the F.I.R. it appears that although the petitioners are named in the F.I.R. but there is no specific allegation against these petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners. He further submits that the petitioners have no concern at all with the family affairs of the deceased. He further submits that petitioner no. 1 is father-in-law, petitioner no. 2 is mother-in-law, petitioner no. 3 is brother-in-law and petitioner no. 4 is cousin father-in-law of the deceased.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners and submits that the petitioners are named in the F.I.R. and they are the family members of the husband of the deceased.

6. Considering the facts and circumstances of the case and the fact that there is no specific allegation against these petitioners, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of



thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Patna City/Successor Court, Patna City, Patna in connection with Khusrupur P.S. Case No. 113 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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)

Ibrar/Harshita

U		T	
---	--	---	--

