

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42047 of 2024

Arising Out of PS. Case No.-375 Year-2023 Thana- KURTHA District- Jehanabad

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1. Rajesh Kumar SON OF RAM EKWAL YADAV VILLAGE- PONDIL, PS- KURTHA, DIST- ARWAL
 2. RAM EKWAL YADAV SON OF RAJ BALLAM YADAV VILLAGE- PONDIL, PS- KURTHA, DIST- ARWAL

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Paras Nath, Adv.

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 30-08-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Kurtha P.S. Case No. 375 of 2023 dated 13.10.2023 registered for the offence punishable under Sections 304B, 201 read with 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioners and the co-accused persons are alleged to have committed murder of the informant's sister due to non-fulfillment of demand of a motorcycle, golden chain and Rs. 2,00,000/- as dowry under conspiracy.

4. Learned counsel for the petitioners has submitted



that the petitioners are innocent and have falsely been implicated in this case. The petitioner no. 1 is the husband and the petitioner no. 2 is the father-in-law of the deceased and they have no concern with the alleged offence. It is further submitted that the petitioners neither demanded any dowry nor tortured the informant's sister. The co-accused persons have already been granted anticipatory bail by this court vide order dated 27.02.2024 passed in Cr. Misc. No. 7696 of 2024. The petitioners have no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the petitioner no. 2 namely, Ram Ekwil Yadav, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Arwal in connection with Kurtha P.S. Case No. 375 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed with regard to the



petitioner no.2 namely, Ram Ekwál Yadav.

8. So far as, the petitioner no.1 namely, Rajesh Kumar is concerned, considering the heinous nature of allegation made against him in the F.I.R., I am of the view that no case for grant of anticipatory bail is made out. The petition is rejected and the petitioner is directed to surrender to the Court below within four weeks from the date of this order and the Court below will consider the prayer of bail of the petitioner without being prejudiced by this order.

9. Accordingly, the application regarding petitioner no.1 namely, Rajesh Kumar stands rejected.

(Chandra Prakash Singh, J)

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