

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48952 of 2024

Arising Out of PS. Case No.-106 Year-2024 Thana- GOGRI District- Khagaria

Kailash Yadav S/O Late Anup Yadav R/O Village- Pitaunjhia, P.S- Gogari,
Distt.- Khagaria.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Roshan Kumar Mishra, Advocate
For the Opposite Party/s: Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 21-10-2024 Heard Mr. Subodh Kumar Jha, learned counsel for
the petitioner and Ms. Kumari Rashmi representing the
informant besides learned APP for the State.

2. The petitioner is in custody in connection with
Gogari P.S. Case No. 106 of 2024 for the offence under Sections
304(B)/34 of the Indian Penal Code and sections 3/4 of the
Dowry Prohibition Act, 1961 lodged on 21.03.2024 by the
informant, Mamta Devi.

3. As per the prosecution story, the informant alleged
that her sister was married to the petitioner's son but was
tortured for dowry. Further, she had earlier also expressed her
apprehension that she might be killed. The informant side went
to her in-laws house and saw the dead body hanging.
Accordingly, the FIR.



4. Learned counsel for the petitioner submits that the petitioner is father-in-law, having no role to play, living separately and on the day the incident took place, he is in jail (22.03.2024) and the last submission is that the son, Amir Yadav is in custody since 04.09.2024. Though the same is not on record, learned counsel for the petitioner, Mr. Subodh Kumar Jha submits that the said statement be recorded.

5. Learned APP opposes the prayer for bail submitting that all the family members ensured that she was tortured which ultimately led to the death of the lady.

6. The allegations are there, the husband as stated has already surrendered on 04.09.2024, the petitioner is a father-in-law and the period of custody is from the date of occurrence, the age shows that he is an old person, this Court is inclined to extend him the privilege of bail with conditions.

7. 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, Khagaria, in connection with Gogari P.S. Case No. 106 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official



document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and the 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 bail bond.

(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.

(Rajiv Roy, J)

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