

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63023 of 2024

Arising Out of PS. Case No.-147 Year-2024 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

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1. Prem Yadav Son of Late Ratan Yadav R/O Vill.- Umapur, P.S.- Bhagwanpur, Dist.- Kaimur at Bhabua
 2. Foola Devi Wife of Prem Yadav R/O Vill.- Umapur, P.S.- Bhagwanpur, Dist.- Kaimur at Bhabua
 3. Bharat Yadav Son of Prem Yadav R/O Vill.- Umapur, P.S.- Bhagwanpur, Dist.- Kaimur at Bhabua
 4. Jay Prakash Yadav Son of Prem Yadav R/O Vill.- Umapur, P.S.- Bhagwanpur, Dist.- Kaimur at Bhabua
 5. Ravindra Yadav Son of Prem Yadav R/O Vill.- Umapur, P.S.- Bhagwanpur, Dist.- Kaimur at Bhabua
 6. Sandhya Devi Wife of Bharat Yadav R/O Vill.- Umapur, P.S.- Bhagwanpur, Dist.- Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tribhuwan Narayan
For the Opposite Party/s : Mr.Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 17-12-2024 1. Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners seek bail in anticipation of their
arrest in a case registered for the offences punishable under
Sections 302, 201 and 34 of the Indian Penal Code.

3. The learned counsel for the petitioners submits that
the petitioners are persons with clean antecedent and the
informant alleges that her daughter was married to Mantu Yadav



about eight years back and after marriage, Mantu used to demand motorcycle by way of dowry. Further, on 28.05.2024, informant was informed that his daughter was killed and her body was being cremated by the named accused persons including the petitioners. Accordingly, the son of the informant reached the place of occurrence and saw the dead body burning on the pyre and he made video of the same. Further, out of the wedlock, three children were born.

4. The learned counsel for the petitioners submits that petitioners are father in-law, mother in-law, brother in-laws and sister in-laws (Gotini) of the deceased. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the marriage was eight years old and in between these eight years no case ever came to be instituted either by the informant or by the deceased alleging torture for non-fulfilment of demand of dowry. It is further submitted that out of the wedlock, three children were born, who present are staying at their maternal grand parents' place. It is further submitted that petitioners are separate in mess and property from the husband of the deceased. It is next submitted that whenever any dispute arises in between the husband and the wife, the entire family members are implicated in a mechanical manner with general



and omnibus allegation.

5. Learned A.P.P. opposes the anticipatory bail application and submits that from perusal of the allegation as alleged, it would manifest that the dead body of the deceased was being cremated, when son of the informant reached and made video of the same. Further, accused persons fled when they saw that video was being made. It is further submitted that it appears that the petitioners also participated in the cremation. It is next submitted that if the death was natural, in that event, the petitioners ought to have informed the informant and his family members. It is next submitted that in the event, if privilege of anticipatory bail is granted to the petitioners, in that event, the petitioners may abscond, on which the learned counsel appearing on behalf of the petitioners submits that petitioners will not abscond rather will cooperate in the investigation to prove their innocence..

6. After hearing the learned counsel for the parties, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction



of the learned Additional Chief Judicial Magistrate-5th, Kaimur at Bhabua in connection with Bhagwanpur P. S. Case No.147 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. However, it is made clear that in the event, if any application is filed by the Investigating Officer before the learned trial Court bringing to its notice that petitioners, despite giving assurance to this Court, are not cooperating in the investigation or are not presenting themselves as and when required, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioners after recording reasons.

9. Further, it is made clear that in the event, if charge-sheet is submitted connecting the petitioners with the offence in that event, the present anticipatory bail order shall loose its effect.

10. Let a copy of this order be sent to the concerned Police Station through the learned trial Court.

(Satyavrat Verma, J)

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