

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61077 of 2024

Arising Out of PS. Case No.-110 Year-2024 Thana- MAHARAJGANJ District- Siwan

Oshihar Yadav Son of Hoti Ray Yadav Village- Chandauli, P.S.--
Maharajganj, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bishwa Bijay Kumar, Adv.

For the Opposite Party/s : Mr. Dilip Kumar No.1, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 13-12-2024 Heard Mr. Bishwa Bijay Kumar, learned counsel for the
petitioner and Mr. Dilip Kumar No.1, learned A.P.P. for the
State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 304(B),
201, 120(B)/34 of the Indian Penal Code.

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 daughter of the informant after assaulting.

4. It is submitted by learned counsel for the petitioner
that petitioner is quite innocent and has committed no offence.
No such occurrence as alleged has ever taken place. He has
falsely been implicated in this case due to ulterior motive. The



allegation levelled against the petitioner is totally false and based on concocted facts. He has been made accused in the present case merely because he is brother in law of the deceased. The real fact is that the petitioner has been living separate from his brother since long. He has no role in the alleged occurrence. It is further submitted that the husband of the deceased is already in judicial custody and has been languishing in custody since 16.04.2024. Similarly situated co-accused, namely, Hotirai Yadav, father in law of the deceased has been enlarged on bail by this court vide order dated 11.11.2024 passed in Cr. Misc. No. 75580 of 2024. Learned counsel further submits that petitioner has no criminal antecedent as mentioned in para-3 of this application.

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

6. Having regard to the facts and circumstances of the case, since there is no specific overt act against the petitioner and the husband of the deceased is already in judicial custody, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, 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 Maharajganj P.S. Case No. 110 of 2024, subject to the
condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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