

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61500 of 2023

Arising Out of PS. Case No.-128 Year-2023 Thana- LADANIA District- Madhubani

1. Ram Narayan Yadav aged about 45 years (Male) son of Late Bachcha Yadav,
2. Shail Devi aged about 43 years (Female) wife of Ram Narayan Yadav, Both are resident of Village- Jhalaun, P.S.- Ladaniya District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Prakash, Advocate
For the State	:	Mr. Sanjay Kumar, A.P.P.
For the Informant	:	Mr. Bhawesh Kumar Shah, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 27-02-2024 Heard Mr. Ravi Prakash, learned counsel appearing on behalf of the petitioners; Mr. Bhawesh Kumar Shah, learned counsel appearing on behalf of the informant and Mr. Sanjay Kumar, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Ladaniya P.S. Case No. 128 of 2023 dated 22.05.2023 registered for the offence punishable under Sections 304 (B), and 302/34 of the Indian Penal Code.

3. As per the allegation made in the FIR, petitioners, for non fulfillment of dowry, used to torture the deceased while the husband of the deceased had gone outside to earn livelihood.

4. Learned counsel appearing on behalf of the petitioners submitted that the allegation made against the



petitioners cannot be sustained considering the fact that prior to the alleged commission of murder of the deceased by the petitioners, no case of demand of dowry or torture was ever filed against the petitioner. The deceased had committed suicide by hanging herself and in this regard, he refers the opinion of the doctor in which it has been clearly mentioned that death has taken place due to hanging and not due to strangulation. On these grounds, petitioners seeks to be released on pre-arrest bail.

5. Learned counsel appearing on behalf of the informant submitted that on several occasion, the daughter of the informant (deceased) used to complain about demand of dowry and for non fulfillment of the same, the accused persons named in the FIR had committed murder of the daughter of the informant and, as such, petitioners don't deserve to be released on pre-arrest bail.

6. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

7. Having considered the rival submissions made on behalf of the parties, as well as, having perused the case diary and postmortem report reveals that there is ligature mark and no evidence of injury on any other party of the body. Cause of death has not been rendered to be that of strangulation. I am of



the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

8. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupee Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. III, Madhubani, in connection with Ladaniya P.S. Case No. 128 of 2023 dated 22.05.2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

9. The Court below is directed to verify the criminal antecedent of the petitioners as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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