

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71711 of 2023

Arising Out of PS. Case No.-174 Year-2021 Thana- HILSA District- Nalanda

1. Pahalu Yadav @ Nand Kishore Yadav S/O Late Kailash Yadav R/O Village- Lalsi Bigha, P.S- Hilsa, Distt.- Nalanda.
2. Bittu Yadav @ Bittu Kumar S/O Pahlu Yadav @ Nand Kishore Yadav R/O Village- Lalsi Bigha, P.S- Hilsa, Distt.- Nalanda.
3. Bipin Yadav @ Vipin Prasad S/O Late Kailash Yadav R/O Village- Lalsi Bigha, P.S- Hilsa, Distt.- Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh, Advocate
For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-03-2024 Heard Mr. Tej Narayan Singh, learned counsel for the petitioners and Mr. Ram Naresh Ray, learned APP for the State.

2. The petitioners are apprehending their arrest connection with Hilsa P.S. Case No. 174 of 2021, F.I.R. dated 07.04.2021 registered for the offences punishable under Sections 304(B), 34 of the Indian Penal Code.

3. Allegation against the petitioners is of committing torture and caused death of the victim due to non-fulfillment of demand of dowry.

4. Learned counsel for the petitioners submits that the



petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. He further submits that petitioner nos. 1 and 3 are the brother-in-law of the deceased and petitioner no. 2 is the nephew of the deceased and the police after investigation submitted the final form and they are not sent up for trial of the petitioners vide Final Form No. 05 of 2021 dated 21.01.2022 and the police has filed Chargesheet under Section 306 of the Indian Penal Code against the husband of the deceased but the learned Court below has taken cognizance against the husband of the deceased and all the F.I.R. named accused persons including the petitioners vide order dated 11.03.2022. He further submits that co-accused persons namely Ranvir Prasad @ Biru Yadav and Ranjeet Prasad @ Tipu Yadav who are also brother-in-law of the deceased have been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 21.07.2023 passed in Cr. Misc. No. 35534 of 2023.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the



case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. Hilsa, Nalanda in connection with Hilsa P.S. Case No. 174 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for



cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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