

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71709 of 2023

Arising Out of PS. Case No.-304 Year-2022 Thana- SHERGHATI District- Gaya

Rajesh Yadav Son of Chandar Yadav @ Chandra Yadav, Resident of Village -
Gopalpur, P.S. - Sherghati, District - Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Md. Jubair Ansari, Advocate
For the Opposite Party : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 04-10-2024 Heard Mr. Md. Jubair Ansari, the learned counsel
for the petitioner and Mr. Nand Kishore Prasad, the learned
Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since
29.05.2023, in connection with Sherghati P.S. Case No. 304 of
2022, FIR dated 20.04.2022, registered for the offence
punishable under Section 304(B) read with Section 34 of the
Indian Penal Code.

3. According to the prosecution case, the daughter of
informant was subjected to regular torture and abuse by her in-
laws over non-fulfillment of dowry demand. It is further alleged
that informant received information that his daughter has died
due to electric shot and informant suspects that his daughter's
in-laws had murdered his daughter due to non-fulfillment of
dowry demand.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case merely on the ground that petitioner is father-in-law of the deceased. He further submits that it is evident from FIR itself that there is no specific allegation of any assault or overt act or demand of dowry attributed against the petitioner, rather there is general and omnibus allegation against all the co-accused persons including the petitioner. He further submits that the co-accused person namely, Manju Devi, who happens to be the wife of the petitioner and mother-in-law of the deceased has been granted the privilege of anticipatory bail by this Court vide order dated 18.07.2024 passed in Cr. Misc. No. 1486 of 2024 and another co-accused person namely, Vikash Kumar, who happens to be the son of the petitioner and husband of the deceased has been granted regular bail by this Court vide order dated 10.04.2024 passed in Cr. Misc. No. 67515 of 2023. He lastly submits that the allegation levelled in the FIR is not supported by the medical evidence and the police after investigation has submitted the charge sheet against the petitioner and the petitioner is in custody since 29.05.2023.

5. The learned Additional Public Prosecutor for the



State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioner has clean antecedent, the mother-in-law of the deceased has been granted the privilege of anticipatory bail by this Court and husband of the deceased has been granted regular bail by this Court, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Sherghati, Gaya, in connection with **Sherghati P.S. Case No. 304 of 2022**, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.



(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioner. 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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