

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70086 of 2024

Arising Out of PS. Case No.-30 Year-2024 Thana- MOHANPUR District- Gaya

1. Ganesh Yadav S/o Late Deoraj Yadav R/o Village- Khardih, PS- Mohanpur, Dist- Gaya

2. Fula Devi W/o Ganesh Yadav R/o Village- Khardih, PS- Mohanpur, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

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18-12-2024

1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 304(B) and 34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and being father-in-law and mother-in-law of the deceased have been falsely implicated in the instant case by the informant with an allegation that his daughter was married to the son of the petitioners and for non fulfillment of dowry demand of Rs. 2 Lakhs, his daughter was killed whose body was found with



marks of violence.

4. The learned counsel for the petitioners submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that the informant is not an eye witness to the occurrence and the entire allegation hinges around suspicion. It is further submitted that petitioners are separate in mess and property from their son. It is further submitted that had the petitioners been involved in the occurrence then efforts would have been made to dispose of the dead body with a view to conceal the evidence, but then the dead body was found in the house and the postmortem of the body was done and the postmortem records that death was on account of asphyxia and shock due to hanging. It is next submitted that whenever any occurrence of the nature as alleged takes place, the entire family members are implicated in a mechanical manner with general and omnibus allegation when it is the duty of the husband to ensure the well being of his wife. It is next submitted that petitioners will not abscond rather will co-operate in the investigation to prove their innocence.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned



counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Mohanpur P.S. Case No. 30 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioners despite giving assurance to this Court are not co-operating in the investigation, in that event the learned Trial Court shall be at liberty to forthwith cancel the bail bonds of the petitioners.

(Satyavrat Verma, J)

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