

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72680 of 2023

Arising Out of PS. Case No.-170 Year-2023 Thana- KAKO District- Jehanabad

1. Binesh Yadav, aged about 50 years (M), S/O Madan Yadav, R/O Village- Nasratpur, P.S. Makhdumpur, Dist. Jehanabad, presently, Resident of Village- Rasula, P.S. Kako (Bhelawar O.P.), Dist. Jehanabad.
2. Kanju Devi, aged about 45 years (F), W/O Binesh Yadav, R/O Village- Nasratpur, P.S. Makhdumpur, Dist. Jehanabad, presently, Resident of Village- Rasula, P.S. Kako (Bhelawar O.P.), Dist. Jehanabad.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Umesh Kumar, Advocate
For the Opposite Party	:	Mr. Ram Priya Sharan Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 02-04-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Kako (Bhelawar O.P.) P.S. Case No. 170 of 2023 dated 06.05.2023 registered for the offences punishable under Sections 304B and 201/34 of the I.P.C.

3. As per the prosecution case, the petitioners and other co-accused persons are alleged to have murdered the informant's daughter due to non-fulfilment of demand of dowry.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely



implicated in this case. The petitioners have not tortured the informant's daughter. It is further submitted that the petitioner no. 1 is the father-in-law and the petitioner no. 2 is the mother-in-law of the deceased. The husband of the deceased has filed anticipatory bail application before the learned court below which is still pending for hearing as stated in paragraph no. 12 of the bail petition. There is general and omnibus allegation against the petitioners. It is further submitted that the deceased was pregnant of two months and she did not want child as she has already a son aged about two years due to that reason, she herself taken a medicine for abortion with consent of any compounder, as a result of which, the blood started oozing when her husband brought her to the hospital for treatment but she died in the way and the information about her death was given to her parents and her father came but later on, the present false case has been filed by him against the petitioners and others. The petitioners are separate in mess and property from the husband of the deceased. They have no concern with the alleged occurrence. There is no eye witness to the alleged occurrence. The petitioners have clean antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has opposed the prayer



for anticipatory bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case as well as the allegation being general and omnibus, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Jehanabad in connection with Kako (Bhelawar O.P.) P.S. Case No. 170 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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