

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82932 of 2024

Arising Out of PS. Case No.-31 Year-2024 Thana- Basmatia District- Araria

Mahanand Yadav S/o Late Jagat Narayan Yadav R/o Village- Basmatiya,
Police Station- Basmatiya, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Kumar Singh, Advocate
For the State : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-12-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Basmatiya P.S. Case No. 31 of 2024 for the offences punishable under Sections 238, 80 and 3(5) of the Bharatiya Nyaya Sanhita, lodged on 24.08.2024 by the informant, Bhuneshweri Yadav.

3. As per the prosecution story, the informant alleged that his daughter (deceased) was married to Kundan Yadav but was always tortured for dowry and on the unfortunate day came to know about her killing, which led to the F.I.R.

4. Learned counsel for the petitioner submits that due to minor tiff, the lady committed suicide, the cause of death has been incorporated as asphyxia due to hanging, in any case, he used to remain separately from the couple and the last



submission is that the husband is in judicial custody (paragraph no.16 of the petition).

5. Learned APP for the State opposes the prayer submitting that allegation is against all the accused persons.

6. Taking into account the submissions put forward by the parties as also the fact that the petitioner is an aged person, husband is in custody, he has no criminal antecedent, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Basmatiya P.S. Case No. 31 of 2024, subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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