

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85398 of 2023

Arising Out of PS. Case No.-1 Year-2018 Thana- PHULPARAS District- Madhubani

1. Sotilal Yadav Son of Siphait Yadav Resident of village- Hulaspatti, p.o.- Jageshwarasthan, p.s.- Phulparas, District- Madhubani
2. Amira Devi wife of Sotilal Yadav Resident of village- Hulaspatti, p.o.- Jageshwarasthan, p.s.- Phulparas, District- Madhubani
3. Khushilal Yadav son of Siphait yadav Resident of village- Hulaspatti, p.o.- Jageshwarasthan, p.s.- Phulparas, District- Madhubani
4. Manju Devi wife of Khushi lal yadav Resident of village- Hulaspatti, p.o.- Jageshwarasthan, p.s.- Phulparas, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Advocate

For the Opposite Party/s : Mr.Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioners apprehend their arrest in connection with Madhubanui Phulparas P.S. Case No. 01/2018 registered under Sections 498(A), 304(B) and 201 of the Indian Penal Code lodged on 02.01.2018 by the informant, Kapil Deo Yadav.

As per the prosecution story, the informant alleged that his daughter was married to Sotilal Yadav but was tortured for dowry as also the fact that she was deaf and dumb. On the fateful day, he was informed that the lady is ill but when the



informant asked them to show her face they disconnected the phone. When the informant went to the place, they escaped. The informant has strong apprehension that she has been killed. Accordingly, the FIR.

Learned counsel for the petitioners submit that only on the basis of apprehension, Section 304B of the Indian Penal Code has been added. Further, the lady disappeared for which they have been implicated. It has been pointed out with the help of paragraph-14 of the petition that the investigation is still going on.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that it is a belated petition *inasmuch* as for an FIR of 2018, the petitioners have now moved before this Court after so many years.

Though, as per the petitioners the investigation is still going on, considering the delay so far as petitioner nos. 1 and 3, namely, Sotilal Yadav and Khushilal Yadav are concerned, in view of the fact that petitioner no. 1 is also the husband who could have taken steps in case the lady had disappeared, this Court is not inclined to extend them privilege of anticipatory bail which is accordingly rejected.

So far as petitioner no. 2 and 4, namely, Amira Devi



and Manju Devi are concerned, they being the ladies, having no criminal antecedent, FIR lodged and they will be facing the trial, this Court is inclined to grant them privilege of bail.

Let the petitioner nos. 2 and 4, namely, Amira Devi and Manju Devi in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.- II Jhanjharpur, Madhubani in connection with Phulparas P.S. Case No. 01/2018 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

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