

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87798 of 2024

Arising Out of PS. Case No.-221 Year-2024 Thana- BANJARIA District- East Champaran

Harendra Yadav @ Harendra Prasad Yadav Son of Laxman Yadav Village-
Sudhawa Ps -Banjariya District -East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Singh, Adv.

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 20-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Banjariya P.S. Case No. 221 of 2024 instituted for the offences
under Sections 80, 238, 3(5), 61(2) of the Bhartiya Nyaya
Sanhita.

3. The prosecution case, in short, is that the accused
persons tortured and killed the deceased for non-fulfillment of
dowry demand and the petitioner has assisted the accused
persons in cremating the dead body of the deceased.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.



The petitioner has no concern either with the family of the deceased or with the other co-accused persons and, merely at the instance of the co-villagers, the petitioner has been falsely implicated in the present case. The petitioner is not the family members of the deceased or the co-accused persons. During entire investigation, nothing adverse has come against the petitioner suggesting his complicity in the alleged occurrence. He further submits that no specific overt act or demand of dowry or torturing the deceased is alleged against the petitioner. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The petitioner has no criminal antecedent and is languishing in judicial custody since 24.08.2024 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Sudama Sah has been granted bail by this Court vide order dated 04.12.2024 passed in Cr. Misc. No. 82605 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the period of custody of the petitioner, the petitioner having no



criminal antecedent as also the prayer for bail being based on parity, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Banjariya P.S. Case No. 221 of 2024.

(Rudra Prakash Mishra, J)

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