

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2050 of 2024

Arising Out of PS. Case No.-533 Year-2023 Thana- BHABHUA District- Kaimur (Bhabua)

1. Shyam Bihari Singh @ Lal Bihari Yadav S/O Late Bhagwat Singh Mohalla- Rampur Bijli Colony, Bhabhua, Ward No.-1, P.S.-bhabhua, Dist.- Kaimur.
2. Chotu Yadav @ Shushil Kumar Singh S/O Shyam Bihari Yadav @ Lal Bihari Yadav Mohalla- Rampur Bijli Colony, Bhabhua, Ward No.-1, P.S.-bhabhua, Dist.- Kaimur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Miritunjay Kumar, Advocate

For the Opposite Party/s : Mrs. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-01-2024 Heard Mr. Miritunjay Kumar, learned counsel for
the petitioners and Mrs. Suman Kumari Singh, learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Bhabhua P.S. Case No. 533 of 2023, F.I.R. dated 14.06.2023 for the offences punishable under Sections 304(B) and 34 of the Indian Penal Code.

3. According to prosecution case, the petitioners are said to have committed murder of the daughter of the informant for non-fulfillment of demand of dowry.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case merely on the ground that they are



in laws of the deceased. He further submits that petitioner no.1 is father in law and petitioner no.2 is brother in law of the deceased. He further submits that from perusal of the FIR it appears that there is no specific allegation of any assault or over act or demand of dowry attributed against the petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners. He further submits that husband of the deceased who is son of the petitioner no.1, namely, Sunil Yadav is already in judicial custody 15.06.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge, Kaimur in connection with Bhabhua P.S. Case No. 533 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be



properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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