

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4156 of 2024

Arising Out of PS. Case No.-189 Year-2023 Thana- KUCHAIKOTE District- Gopalganj

Kumlesh Yadav @ Kumresh Yadav @ Kamlesh Yadav @ Kumresh Kumar
S/O Raja Yadav Village- Shyampur Yadav Tola, P.S. Kuchaikote, Dist.
Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-02-2024 Heard Mr. Sharda Nand Mishra, learned counsel

appearing on behalf of the petitioner and the learned Additional

Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Kuchaikot P.S. Case No. 189 of 2023, registered for the
offences punishable under Section 304(B)/34 of the Indian
Penal Code.

3. The marriage of the daughter of the informant was
solemnized with co-accused Rajesh Yadav on 02.12.2021. After
the marriage, the couple also blessed with a daughter, however,
the accused persons continued demanding a bullet motorcycle
and, on account of non fulfillment of the same, she was done to
death.



4. It is submitted on behalf of the petitioner that he is brother-in-law of the deceased and has no concern with the family affairs of the deceased and her husband. In support of the aforesaid submission, a *panchnama* has been brought on record by way of Annexure – 2 to the bail application, suggesting that a partition has already taken place on 20.04.2020, amongst the brothers of the petitioner, in presence of *Mukhiya*, *Sarpanch* and other respected villagers. He next submits that during the course of investigation, it has found that the deceased has committed suicide, which is also corroborated by the post-mortem report, as the cause of death is disclosed asphyxia, due to hanging. He lastly submits that except the omnibus allegation, there is no material suggesting the complicity of the petitioner, however, other co-accused, having similar allegation, has been allowed the privilege of anticipatory bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 1930 of 2024 vide order dated 31.01.2024.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that death has taken place within three years of the marriage and soon before the marriage, she was subjected to torture, on account of non fulfillment of the demand of dowry.



6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation and the fact that the petitioner has been residing separately, coupled with the post-mortem report and the fact that co-accused person, having identical allegation, has been allowed the privilege of anticipatory bail, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj in connection with Kuchaikot P.S. Case No. 189 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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