

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1930 of 2024

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

Brajesh Kumar Yadav @ Kamlesh Yadav Son of Raja Yadav, R/O 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. Rajiv Ranjan, Advocate

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-01-2024 Heard Mr. Rajiv Ranjan, the learned counsel for the

petitioner and Mr. Sunil Kumar Pandey, the learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in

connection with Kuchaikot PS Case No. 189 of 2023, FIR dated

14.04.2023, registered for the offence punishable under Section

304(B)/34 of the Indian Penal Code.

3. According to prosecution case, the daughter of the

informant was tortured by her in-laws for the demand of dowry

and was later murdered by them.

4. Learned counsel for the petitioner submits that

petitioner has clean antecedent and he has falsely been

implicated in the present case mainly on the ground that the

petitioner is brother-in-law of the deceased and according to the

FIR, it appears that there is no sign of assault of specific overt act against the petitioner, in fact, the petitioner has no concern with the family affairs of the deceased and petitioner is residing separately since 20.04.2020 as partition was made between the parties including the petitioner. It is further submitted that the co-accused persons namely, Raja Yadav and Basmati Devi, who are father-in-law and mother-in-law of the deceased have been granted anticipatory bail by the learned Court below.

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

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent and the co-accused persons, who are father-in-law and mother-in-law of the deceased have been granted anticipatory bail, let the petitioner, above named, in the event of his arrest or surrender before the Court below, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj, where the case is pending in connection with **Kuchaikot PS Case No. 189 of 2023**, subject to the conditions as laid down under Section 438(2) of

the Cr.P.C. and also the following conditions:-

(i). Petitioner 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 petitioner tampers 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the Court below shall take step for cancellation of bail bond of the petitioner. 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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