

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6296 of 2025

Arising Out of PS. Case No.-306 Year-2023 Thana- PARBATTa District- Khagaria

Vikash Yadav, Son of Dharmendra @ Dharmendra Yadav @ Dharo Yadav,
Resident of Village - Chhoti Lagar, P.S. - Parbatta, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Budhilal Yadav, Advocate

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 14-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Parbatta P.S. Case No. 306 of 2023 registered for the offences punishable under Sections 304(B)/120(B)/34 of the Indian Penal Code.

3. As per prosecution case, the sister of the informant was married with co-accused Vikram Kumar, brother of this petitioner, and allegation against the petitioner and other co-accused persons is that of demanding Rs. 1 lac and a cow. When the demand was not fulfilled, the co-accused told the informant that he would do away with the life of his sister. Subsequently, the sister of the informant was killed by petitioner and others by hanging her from a bamboo.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. From the FIR, it is apparent that thrust of allegation is against the co-accused husband of the deceased. The allegation against the petitioner is general and omnibus along with other co-accused persons. There is no allegation against the petitioner that he demanded dowry or tortured or treated the deceased with cruelty. The witnesses examined during investigation did not support the prosecution case and most of them are hearsay witnesses. The learned counsel further submits that though the marriage was solemnized in the year 2015 and death occurred in the year 2023, still the case was registered under Section 304(B) IPC which is against the express provisions of law. The petitioner is in custody since 13.09.2024 and is having clean antecedent. The charge sheet has been submitted.

5. Learned APP vehemently opposes the submission made on behalf of the petitioner. The learned APP submits that the sister of the informant died in her matrimonial home and the petitioner is her brother-in-law.

6. Having regard to the facts and circumstances of the case and submissions made on behalf of the parties and considering the fact that the petitioner is stated to be the brother-



in-law of the deceased and the allegations are not specific and further considering the period of custody of the petitioner, submission of charge sheet and his clean antecedent, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1, Khagaria, in connection with Parbatta P.S. Case No. 306 of 2023, subject to the conditions mentioned in Section 480 (3) of BNSS and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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