

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31461 of 2025

Arising Out of PS. Case No.-24 Year-2024 Thana- TEKARI District- Gaya

1. Ramashish Yadav S/o- Ram Prasad Yadav @ Prakash Yadav Village- Chhatwan PS-Tekari District- Gaya
2. Vikash Yadav S/o- Ramashish Yadav Village- Chhatwan PS-Tekari District- Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar, Advocate Mr. Nawnit Kumar Tiwary, Advocate
For the Opposite Party/s	:	Mr. Gopal Prasad Singh, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 27-06-2025 Heard the learned counsel for the petitioner and
learned APP for the State.

2. The petitioner makes a prayer for bail in connection with Tekari P.S Case No.24 of 2024 registered for offences under Sections 302, 201, 34 of the Indian Penal Code.

3. The prosecution case, as unfolded in the F.I.R. is that the informant's sister was married to one Dharmendra Yadav 12 years ago and while the husband of the deceased was working as a labor in Surat, the accused persons being the father-in-law and other members of her family used to harass the deceased in absence of her husband. It has further been alleged that on 10.01.2024, an information was received from



one of the villagers that the accused persons killed his sister and were going to cremate the dead body.

4. Learned counsel for the petitioners submits that the petitioners are the father-in-law and brother-in-law of the deceased and it would be apparent from the F.I.R. itself that the same has been alleged 12 years after the marriage and there had been no earlier complaint with regard to misbehavior or any kind of torture against any of the family members. It has also been submitted that while the informant received the information about the death of his sister on 10.01.2024, the F.I.R. was lodged after a delay of three days after receiving the said information. The allegations are general and omnibus in nature and the informant itself is not an eye-witness of the case. As a matter of fact, the deceased Saroj Devi died a natural death and the petitioners informed the informant about the same. Further, the petitioners are separate in residence and mess from the deceased and her husband. The petitioner No.1 is in custody since 27.12.2024 and petitioner No.2 is in custody since 26.11.2024.

5. Learned APP for the State opposes the prayer for bail application.

6. Considering the above mentioned facts and



circumstances of the case and also taking into consideration that the present case is one under Section 302 of the I.P.C. and not under Section 304B of the I.P.C. and hence, there is no presumption clause in the present case. Therefore, the factum of there being no eye-witness to the occurrence would be a relevant factor. It is directed that the petitioners are enlarged 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 ACJM VI, Gaya, in connection with Tekari P.S Case No.24 of 2024, subject to the conditions:

(i) The petitioners would physically appear on each and every date before the learned Court concerned till the charges are framed and would further cooperate with the Trial, in case the charges have been framed. If any delay in Trial is caused due to the petitioners, the learned Court concerned would be at the liberty to cancel the bail bonds.

(Soni Shrivastava, J)

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