

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54532 of 2024

Arising Out of PS. Case No.-30 Year-2020 Thana- JAIPUR District- Banka

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1. Ramdeo Yadav Son Of Late Udho Yadav R/o Village- Kolhasar, Police Station- Jaipur, District -banka
 2. Murti Devi @ Murati Devi Wife Of Ramdeo Yadav R/o Village- Kolhasar, Police Station- Jaipur, District -Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 28-02-2025 Heard Mr. Ajay Mukherjee, learned counsel for the petitioners and Mr. Aditya Narayan Singh-1, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Jaipur P.S. Case No. 30 of 2020, F.I.R. dated 13.06.2020 registered for the offences punishable under Sections 304(B), 201 and 120(B) of the Indian Penal Code.

3. Allegation against the petitioners are of committing torture and caused death of the victim due to non-fulfillment of demand of dowry.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely



implicated in the present case. The petitioners are father-in-law and mother-in-law of the deceased namely Kankai Devi. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. He further submits that from perusal of the F.I.R. it appears that on the basis of one skeleton recovered, the petitioners have been made accused in the present case merely on the basis of suspicion and DNA report of the skeleton received which suggests that D.N.A. has not matched that “ *On the basis of observation it is sufficient to conclude that the identification of the source of exhibit marked-A (Source-Bone piece) could not be established as a partial genetic profile have been obtained from the same (Source-Bone piece)* ” and in view of the report of the D.N.A. report it appears that petitioners have been falsely implicated in the present case and apart from that similarly situated co-accused person namely Dinesh Yadav has been granted bail by a Coordinate Bench of this Court vide order dated 03.12.2020 in Cr. Misc. No. 31405 of 2020, another co-accused persons namely Pankaj Kumar Yadav and Indu Devi have been granted bail by this Court vide order dated 17.11.2021 in Cr. Misc. No. 24520 of 2021 as also co-accused person namely Rajesh Yadav has been granted the



privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 17.01.2023 passed in Cr. Misc. No. 64753 of 2022 respectively.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case and the fact that the petitioners having clean antecedents and D.N.A. report does not support the allegation as alleged in the F.I.R. as well as similarly situated co-accused persons have been granted bail by this Court or by a Coordinate Bench of this Court, let the petitioners, above named, in the event of their 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 bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Jaipur P.S. Case No. 30 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, the court below shall take step for cancellation of bail bond 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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