

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75505 of 2024

Arising Out of PS. Case No.-564 Year-2023 Thana- MASAUDHI District- Patna

Sanjay Yadav @ Sanjay Kumar Son of Late Bhuneshwar Yadav @
Bhuneshwar Prasad R/o Mohalla- New Manichak, P.s.- Masaurhi, Dist.- Patna
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 31-01-2025 Heard Mr. Anil Kumar Singh, the learned counsel
for the petitioner and Mr. Ram Sevak Choudhary, the learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Masaurhi PS Case No. 564 of 2023, FIR dated
10.08.2023, registered for the offences punishable under
Sections 302, 120(B) and 201 read with Section 34 of the Indian
Penal Code.

3. According to the prosecution case, the sister of
informant was subjected to torture and abuse by her in-laws
over non-fulfillment of dowry demand. It is further alleged that
dead body of informant's sister was found on a railway track
and informant suspects that his sister's in-laws have killed his
sister.

4. Learned counsel for the petitioner submits that



petitioner is brother-in-law of the deceased and he has falsely been implicated in the present case on the basis of disclosure made by co-accused persons namely, Raju and Sanjay Yadav @ Sholey and Sanjay Yadav @ Sholey is friend of co-accused Ramu Kumar, who is elder brother of the petitioner and Raju is also the elder brother of petitioner and except the aforesaid no other cogent material has come during investigation which suggests the involvement of the petitioner in the present occurrence. He further submits that it has come during investigation that the petitioner was not present at the place of occurrence and the co-accused person namely, Ramu Kumar @ Ramu Yadav, who happens to be the husband of the deceased has been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 19.09.2024 passed in Cr. Misc. No. 51455 of 2024.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation that the petitioner was also involved in the crime in question. Apart from that, petitioner carries two criminal antecedents other than the present one, but fairly submits that petitioner is on bail in the pending matters.



6. Considering the aforesaid facts and circumstances and mainly the facts that petitioner has been implicated in the present case on the basis of disclosure made by co-accused persons, he was not present at the place of occurrence and the husband of the deceased has been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court, let the petitioner, above-named, in the event of his arrest or surrender before the learned trial Court, 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 Additional Chief Judicial Magistrate, Masaurhi, Distt.-Patna, where the case is pending in connection with **Masaurhi PS Case No. 564 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. / Section 482(2) of the BNSS, 2023 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 learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.



(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 learned trial Court 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 learned trial Court 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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