

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75368 of 2024

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

1. Ramashish Yadav S/o- Ram Prasad Yadav @ Prakash Yadav Resident of Village- Chhatwan PS- Tekari, Dist- Gaya
2. Mukesh Yadav S/o- Ramashish Yadav Resident of Village- Chhatwan PS- Tekari, Dist- Gaya
3. Ranjan Yadav @ Ranjan Kumar Son of Ramashish Yadav Resident of Village- Chhatwan PS- Tekari, Dist- Gaya
4. Vikash Yadav Son of Ramashish Yadav Resident of Village- Chhatwan PS- Tekari, Dist- Gaya
5. Upendra Yadav Son of Ramashish Yadav Resident of Village- Chhatwan PS- Tekari, Dist- Gaya
6. Usha Devi W/o- Upendra Yadav @ Uendra Yadav Resident of Village- Chhatwan PS- Tekari, Dist- Gaya
7. Manmati Devi W/o- Mukesh Kumar @ Mukesh Yadav Resident of Village- Chhatwan PS- Tekari, Dist- Gaya
8. Puja Devi W/o- Prakash Yadav Resident of Village- Chhatwan PS- Tekari, Dist- Gaya
9. Shobha Devi W/o- Vikash Yadav Resident of Village- Chhatwan PS- Tekari, Dist- Gaya
10. Pinki Devi @ Pinki Kumari W/o- Ranjan Yadav Resident of Village- Chhatwan PS- Tekari, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Babu, Advocate
For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

6 11-04-2025 At the very outset, learned counsel for the petitioners submits that earlier vide order dated 02.04.2025, the anticipatory bail application with regard to Petitioner Nos. 1, 2 and 4 has already been withdrawn.



2. Heard learned counsel for the petitioners and learned APP for the State.

3. The petitioners have preferred this application for grant of anticipatory bail in connection with Tekari P.S. Case no.24 of 2024 registered under Sections 302, 201 and 34 of the Indian Penal Code.

4. As per the prosecution case, the informant states that he married his sister with one Dharmendra Yadav 12 years ago. The husband of the deceased was working as a labour in Surat. He further states that the accused persons being the father-in-law, mother-in-law and others of her family used to harass the deceased in absence of her husband. He further states that on 10.01.2024 he received an information from one of the villagers of her *sasural* that all the accused persons killed his sister and are going to cremate the dead body.

5. It is submitted by learned counsel for the petitioners that the petitioner nos. 3 and 5 to 10 are the in-laws of the deceased. It would be further submitted that petitioner no. 6 to 10 are all female members of the house and the petitioner nos. 3 and 5 are both the brothers-in-law of the deceased who are residing separately and are also separate in mess from the deceased and her husband. Learned counsel also submits that



the marriage of deceased and her husband is 12 years old and there had been no earlier complain with regard to any misbehavior or any kind of torture against any of the family members. They undertake to co-operate in investigation/trial.

6. The application for bail is opposed by learned APP for the State who pointed out that in paragraph nos. 7, 8, 16 and 17 of the case diary shows that there was some altercation between accused Mukesh Yadav and his wife Manmati Devi with the deceased with regard to distribution of food grains and partition of land.

7. Considering the above mentioned facts of the case as also taking into consideration that the present case would be under Section 302 of the Indian Penal Code and not under Section 304B and hence there is no presumption clause in the present case. Hence, the factum of there being no eye witness to the occurrence would also be a relevant factor. It is directed that the petitioners above named, who have no criminal antecedent, in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Tekari P.S. Case no.24 of 2024 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of the learned Additional Chief Judicial Magistrate-
VI, Gaya, subject to the condition laid down under Section
438(2) of the Code of Criminal Procedure/Section 482(2) of the
B.N.S.S, 2023.

(Soni Shrivastava, J)

Harsh/-

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