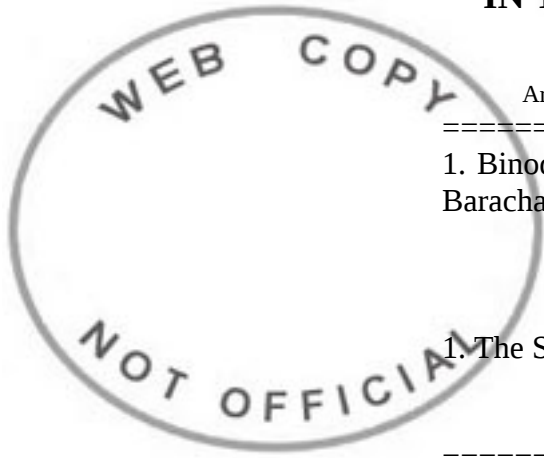




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42876 of 2015

Arising Out of PS.Case No. -112 Year- 2015 Thana -BARACHATTI District- GAYA

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1. Binod Yadav S/o Shiva Yadav, a resident of village - Makhraur, P.S. - Barachatty, District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajni Kant Jha

For the Opposite Party/s : Mr. Raj Ballabh Singh (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 11-01-2016 Heard learned counsel for the petitioner and learned A.P.P. representing the State.

The petitioner seeks bail in connection with Barachatty P.S. Case No. 112 of 2015 registered for the offence punishable under Section 302/34 of the Indian Penal Code.

Malo Devi, the daughter of the informant was married to the petitioner 20 years ago and thereafter one daughter was borne but died resulting the petitioner married to Meena Devi and started neglecting Malo Devi and ultimately the dead body of Malo Devi was found in wheat field and the petitioner informed that due to mental tension, she consumed poisonous substance.

Submission is of false implication and that after death



of the wife of the petitioner, Sanha was lodged by the petitioner for which U.D. Case No. 2/15 was registered and on that Sanha the brother of the deceased has also signed but after 15 days, the informant lodged this false case as the petitioner did not fulfill his illegal demand. The police after adopting third degree, got recorded the confessional statement of the petitioner, which has got no evidentiary value in the eye of law. There is no witness to say that the petitioner has assaulted the deceased and during postmortem the doctor has not given any opinion regarding cause of death and opinion about the cause of death was reserved till the report of visera analysis and the petitioner suffering in custody since 30.03.2015, deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of bail by submitting that the doctor has found ante-mortem injuries on the person of the deceased which goes to suggest that the deceased was assaulted before her death.

In the facts and circumstances stated above, considering that on Sanha the brother of the deceased namely, Raju Yadav has also signed as a witness and after 15 days, this case has been lodged and, as such, the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs.

10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Learned S.D.J.M., Sherghati, Gaya arising out of Barachatty P.S. Case No. 112 of 2015 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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