

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25954 of 2019

Arising Out of PS. Case No.-991 Year-2016 Thana- BANKA District- Banka

Bhavesh Yadav Son of Bechu Raut, Resident of Village-Banka Vijay Nagar,
P.S and District-Banka.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Nurul Hoda, Advocate

For the Opposite Party/s : Mr.Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 05-08-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner who is in custody since 02.02.2019 has
filed the instant application for grant of bail in connection with
Banka P.S. Case No. 991 of 2016 registered for the offence
punishable under sections 302 and 34 of the Indian Penal Code.

As per the allegation in the FIR, it is stated by the
informant that his younger brother died about four years back.
His brother's wife stays with them. It is stated that after
informing his mother, his brother's wife who works as a maid in
hostels and residences had gone for working in the afternoon of
16.12.2016 but did not return till the morning of 18.12.2016. On
hulla being raised at 08.15 A.M on 18.12.2016, the informant
along with others went near the agricultural field and saw the



dead body of his brother's wife. Her throat had been slit. The FIR registered against unknown persons. In course of investigation the name of the petitioner transpired on the statement of the eight years old son of the deceased who stated that the petitioner and one another had taken his mother while they were returning from school and they had asked him to proceed towards the house thereafter his mother did not return.

It is submitted by learned counsel for the petitioner that no substantial material has transpired against him even in course of investigation. The statement made by the son of the deceased is also not correct. Even otherwise while her dead body was recovered on 18.12.2016, the statement of son of the deceased has been recorded by the police more than two months later on 03.03.2017. It is finally submitted that there is no evidence to implicate the petitioner who has no criminal antecedent. The investigation in the case has already concluded and the petitioner is in custody since 02.02.2019.

The application for bail has been opposed by learned counsel appearing for the State.

Having heard learned counsel for the parties and taking into consideration the fact that no substantial material has transpired in course of investigation even after the statement of



the son of the deceased which was made more than two months after the lodging of the FIR as also the fact that the petitioner is in custody since 02.02.2019 and has no criminal antecedent, the Court is inclined to enlarge the petitioner on bail. Let the petitioner be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Banka P.S. Case No. 991 of 2016.

(Partha Sarthy, J)

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