

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33035 of 2019

Arising Out of PS. Case No.-157 Year-2018 Thana- IMAMGANJ District- Gaya

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Yashwant Kumar @ Vasant Kumar Son of Balendra Prasad Resident of
Village - Barheta, P.S.- Imamganj, Distt – Gaya. ... Petitioner

Versus

The State of Bihar ... Opposite Party

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Appearance :

For the Petitioner : Mr. Surendra Kr. Singh, Senior Advocate
Mr.Praveen Prakash, Advocate
For the Opposite Party : Mr.Amit Kumar Rakesh, Addl Public Prosecutor

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 18-09-2019 Heard learned counsel for the petitioner, the State and

perused the case diary.

Petitioner is an accused in a case registered for the
offence punishable under Sections 302/34 of the Indian Penal
Code on the allegation that he, on account of estranged relation
with his wife, tortured her mentally and emotionally and finally
strangled her to death.

Learned counsel for the petitioner submits that the
allegation of murder is false as the victim herself committed
suicide. He submits that though the marriage had taken place in
2005 and they had two children, on account of strained relation,
they were living separately. 10 years old son of the deceased
Vipul Kumar in his section 164 Cr.P.C. statement, contained in
paragraph 16 of the case diary, has stated that due to the family
dispute his mother had twice tried to commit suicide. Lastly, on



4.11.2018 at 8.30 PM his mother quarreled with his father and then sprinkled kerosene oil on her Saree and lit a match, his father (the petitioner) anyhow extinguished the fire and thus life of his mother (the deceased) had been saved. Learned counsel also submits that as per said Vipul Kumar, son of the deceased, her mother was in the Bihar Police and she did not want to live with his father. Learned counsel further submits that the petitioner has no criminal antecedent and after the unfortunate incident he did not escape and was arrested from the scene on 5.11.2018 and since then he is in custody. Charge sheet has also been submitted in the case and there is no chance of tempering with the evidence.

Learned counsel for the State opposes the prayer for bail and submits that there is allegation of murder of his wife against the petitioner.

Having considered the contentions of the parties and on going through the materials collected on the record in course of the investigation, prayer for bail of the petitioner is allowed. Let the petitioner, mentioned above, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, Sherghati, Gaya in Imamganj



Police Station Case No. 157 of 2018, subject to the condition that the petitioner shall fully co-operate with the investigation and trial of the case, failing which the Court below shall be at liberty to cancel the bail bond of the petitioner.

(Prabhat Kumar Singh, J)

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