

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64641 of 2019

Arising Out of PS. Case No.-163 Year-2019 Thana- PUNPUN District- Patna

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SAMARJEET YADAV @ KHESARI YADAV Son of Late Rajendra Yadav
Resident of Village - Pakari, P.S.- Punpun, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Thakur, Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 17-06-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The matter has been taken up through virtual Court
proceeding.

The petitioner has preferred the present application for
grant of bail in a case registered for the offence punishable
under Section 302/34 of the Indian Penal Code, 1860.

The prosecution case as per the written report of Kapildeo
Singh submitted before the S.H.O., Punpun Police Station is to
the effect that the informant got his daughter, Reshmi Devi @
Nitu Rani married with the petitioner, namely, Samarjeet Yadav
@ Khesari Yadav in the year 2006. Thereafter, the married
couple was blessed with two children, but on 24.06.2019, when
the informant reached to the in-laws' house of her daughter, he



found her dead with a sign of injury on the neck. It is alleged that the petitioner and other family members killed the daughter of the informant.

It is submitted by learned counsel for the petitioner that admittedly, the informant is not an eye witness to the alleged occurrence. The statement of the two children of the victim and the petitioner, namely, Tana @ Ragini Kumari and Robin Kumar, have been recorded in paragraph nos. 20 and 21 of the case diary wherein they have stated that since their mother were not allowed to go with the maternal uncle, hence she committed suicide. The suicidal death is being corroborated by the medical opinion, as suggested by the postmortem report. The petitioner is languishing in custody since 25.06.2019 and the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. There is no likelihood of trial being concluded since the physical court proceeding is not functional due to present pandemic, Covid-19.

Learned APP for the State submits that the thrust of accusation is against the petitioner being husband of the victim.

Considering the statement of the children of the victim to the effect that the victim committed suicide and the



said fact being corroborated by the medical opinion, the investigation already being concluded coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Judicial Magistrate, 1st Class, Masaurhi, Patna, in connection with Punpun P.S. Case No. 163 of 2019.

However, in view of the present pandemic, COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Masaurhi, Patna, in connection with Punpun P.S. Case No. 163 of 2019.

The learned Court below will further be at liberty to



extend the period of provisional bail further if the court proceeding in physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

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