

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 71679 of 2019**

Arising Out of PS Case No.-124 Year-2019 Thana- CHANDAN District- Banka

Bal Kishore Yadav, aged 40 Years (male) Son of Nathi Yadav @ Jagannath Yadav, Resident of Village - Gondara, P.S.- Chandan (Anandpur O.P.), District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Mukherjee, Advocate
For the State	:	Mr. Bhanu Pratap Singh, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 17-06-2020

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Ajay Mukherjee, learned counsel for the petitioner and Mr. Bhanu Pratap Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner is in custody in connection with Chandan (Anandpur) PS Case No. 124 of 2019 dated 16.07.2019 instituted under Sections 328, 302/34 of the Indian Penal Code.

4. The allegation against the petitioner, who is the husband of the deceased, and his family members, is of poisoning the deceased.



5. Learned counsel for the petitioner submitted that though he is the husband, but the deceased herself has consumed poison. It was submitted that there was dispute with regard to partition of the ancestral properties of the petitioner and the deceased, who was his wife, was not satisfied. It was further submitted that witnesses have told the police during investigation that two days prior to the incident, the deceased had forced the petitioner not to go to *puja* ceremony of his relative for the reason that he would consume non vegetarian dishes which he should not do as in the house of the petitioner itself, a *puja* was organized after a few days. Learned counsel submitted that further due to this the petitioner had fought with his wife and she had gone to her parent's place but returned after one day and the mother of the deceased had intervened, but on the fateful day, she herself consumed poison due to which she died. Learned counsel submitted that the petitioner was married to the deceased for almost 13-14 years and there are two daughters and one son born out of the wedlock and, thus, there was no occasion for the petitioner to commit such a crime as he has the liability of raising three children alone. Learned counsel further submitted that even the so called difference between the petitioner and the wife were nothing beyond what is normal among couples and the petitioner



could not have imagined that his wife should take such an extreme step. Learned counsel submitted that he is in custody since 16.07.2019. It was further submitted that the postmortem report does not disclose any assault on the body and the viscera has been sent for forensic examination. Thus, learned counsel submitted that the allegation of any assault by the petitioner or his other family members is not corroborated. Learned counsel further submitted that the other family members of the petitioner have been granted anticipatory bail.

6. Learned APP, from the case diary, submitted that the agnates of the petitioner have also stated that there was altercation two days back due to which the deceased had gone to her parent's place but had come back the very next day and the mother of the deceased had counselled them but the deceased had consumed poison and had locked herself in the room. He further submitted that the postmortem report does not disclose any physical injury on the body.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial



Magistrate, Banka in Chandan (Anandpur) PS Case No. 124 of 2019 subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, and (ii) that the petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

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