

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.7872 of 2021**

Arising Out of PS. Case No.-43 Year-2020 Thana- BANGAWON District- Saharsa

GAJENDRA YADAV Son of Laxmi Yadav Resident of Mohalla - Dumrail,  
P.S. and District - Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

|                      |   |                                    |
|----------------------|---|------------------------------------|
| For the Petitioner/s | : | Mr. Diwakar Prasad Singh, Advocate |
| For the State        | : | Mr. Akshay Lal Pandit, APP         |

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

3      16-11-2021                      Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302, 201, 120B and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, it is stated by the informant that her sister-in-law (Sautan) Sunita Devi and her two brothers Roushan Yadav and Anil Yadav entered into a conspiracy and murdered her husband. Seeing the photograph of her deceased husband, the informant lost consciousness and was not in a position to give her statement. The informant is convinced that the accused persons have a hand in the killing of her husband.



It is submitted by learned counsel for the petitioner that the petitioner is not named in the FIR. Admittedly there is no eye-witness to the alleged occurrence. It is further submitted that the material being relied on against the petitioner is that the petitioner was having an affair with the wife of the deceased i.e the informant of the instant case and it was as a result thereof that they along with other accused persons entered into a conspiracy and got her husband murdered. No incriminating article has transpired in course of investigation except the confessional statement of the petitioner made before police. The petitioner is in custody since 10.8.2020 and is ready to co-operate in the case/trial.

The application for bail is opposed by learned APP for the State assisted by learned counsel appearing on behalf of Sunita Devi, wife of the deceased. It is submitted by learned counsel that the informant who happens to be the other wife of the deceased has been taken into custody. The material that has transpired in course of investigation clearly establishes the conspiracy of the petitioner, the wife of the deceased who is the informant of the case and others leading to the commission of murder.

Having heard learned counsel for the parties and



taking into consideration the facts of the case, the material that has transpired in course of investigation and the petitioner having remained in custody for more than 1 year 3 months since 10.8.2020, the Court directs the petitioner to be enlarged on bail in connection with Bangaon P.S. Case no. 43 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M - III at Saharsa.

It is further directed that the petitioner shall cooperate in the case/trial and in case the learned Trial Court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the learned Trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

**(Partha Sarthy, J)**

Prakash/-

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