

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1756 of 2022

Arising Out of PS. Case No.-125 Year-2019 Thana- KATORIYA District- Banka

Vishnu Yadav, S/o Jago Yadav, R/o village- Laraiya (Pipradih), P.S.- Katoriya,
District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 1828 of 2022

Arising Out of PS. Case No.-125 Year-2019 Thana- KATORIYA District- Banka

Chandan Yadav @ Chetun Yadav, Son of Jago Yadav, Resident of Village -
Laraiya, (Pipradih), P.S.- Kotoriya, Distt.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 1756 of 2022)

For the Petitioner/s : Mr.Praveen Kumar, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

(In CRIMINAL MISCELLANEOUS No. 1828 of 2022)

For the Petitioner/s : Mr.Praveen Kumar, Advocate

For the Opposite Party/s : Mr. Anant Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 19-10-2022 Since both the applications arise out of Katoria P.S.

Case No. 125 of 2019, as such, they have been taken up together

and are being disposed of by this common order.

Heard learned counsel for the petitioners and learned

APP for the State.

Let the defect (s), as pointed out by the office, be



removed within a period of four weeks.

In the present case, the petitioners seek bail in connection with Katoria P.S. Case No. 125 of 2019 registered for the alleged offences under Sections 328, 302 and 34 of the Indian Penal Code.

As per prosecution case, some altercation took place between the son of the informant and his daughter-in-law. The co-accused daughter-in-law left her matrimonial home along with her two children. Thereafter, son of the informant was taken to his matrimonial home by petitioner Chandan Yadav and on the fateful day, the dead body of the son of the informant was brought to the house of the informant by co-accused parents-in-law and the co-accused wife of the son of the informant. They informed him that the son of the informant consumed poison and he died during treatment.

The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. General, vague and omnibus allegations are levelled against the petitioners and other co-accused persons. There is no eye-witness to the alleged occurrence. The whole prosecution story is not believable and appears to be palpably absurd. It is not believable that a person would be killed and his dead body



was not disposed of rather it was brought to the house of the father of the deceased. It has further been submitted by the learned counsel that the deceased consumed poison after some altercation with his wife and every effort was made to save him but he could not be saved. The co-accused parents-in-law have been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 26.08.2020 passed in Cr. Misc. No. 83990 of 2019. Other co-accused persons, namely Sunita Devi and Hari Yadav have been granted bail by this Court vide order dated 26.07.2022 passed in Cr. Misc. No. 4273 of 2022 and order dated 24.08.2022 in Cr. Misc. No. 64141 of 2021, respectively. Charge-sheet has been submitted in this case and the petitioners are in custody since 18.10.2021 and are having clean antecedent.

Learned APP opposes the prayer for bail submitting that the son of the informant died at the house of the petitioner and onus lies on him to explain his death.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of substantive material against the petitioners to connect them with the offence as alleged and further considering the grant of bail to similarly placed co-accused persons and also



considering the clean antecedent of the petitioners along with submission of charge-sheet and their period of custody, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Katoriya P.S. Case No. 125 of 2019, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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