

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16524 of 2021**

Arising Out of PS. Case No.-319 Year-2020 Thana- NAWANAGAR District- Buxar

GANESH YADAV, Son of - Late Mukhram Yadav Resident of Village-
Banahi, P.S.- Sahpur, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh, Advocate

For the Opposite Party/s : Ms. Nirmala Kumari, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

8 21-02-2022

Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of
the complete start of the physical Court in normal course.

The petitioner, who is in custody since 07.11.2020,
seeks regular bail in connection with Nawanagar P.S. Case No.
319 of 2020, for the offence punishable under Sections 302,
201/34 of the Indian Penal Code.

The prosecution case, in brief, is that on receiving
information regarding lying of a dead body near N.H.30 in
village-Parmanpur, the informant and other other Police
personnel reached there and found a dead body of a woman
kept in gunny bag, the villagers identified the dead body.



Thereafter, inquest report was prepared and dead body was sent to Sadar Hospital, Buxar for Postmortem.

Learned counsel appearing on behalf of the petitioner submits that petitioner is the father-in-law of the victim and he has is no where involved in the alleged murder of his daughter-in-law, rather, his daughter-in-law used to quarrel on and often for alleged illicit relationship of her husband. The petitioner is in custody since 07.11.2020.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He further submits that the complicity of the present petitioner in committing the murder of her daughter-in-law cannot be ruled out as it appears in the case diary that all the family members along with the petitioner has committed murder of the deceased. He further submits that there is one other criminal case is also pending against the petitioner, as such he does not deserve to be released on bail.

Considering the above mentioned facts and circumstances of the case and rival submissions of the parties as well as the fact that in paragraph No. 21 of the case diary younger son of the petitioner, namely, Shailendra Yadav has confessed that his brother and his sister-in-law were strained



relationship due to some illicit relationship, but that is not clear from the case diary whether the husband was having illicit relationship with another lady or the deceased Dipali Devi was engaged with other other person. However, element of illicit relationship is there, so far as the present petitioner is concerned, there is no allegation of assault neither any evidence has surfaced in course of investigation against the petitioner, prima facie, the petitioner has made a case to be released on bail, the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar in connection with Nawanagar P.S. Case No. 319 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at



liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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