

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35827 of 2022

Arising Out of PS. Case No.-181 Year-2022 Thana- ARARIA District- Araria

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Chandan Yadav S/o Shri Jitendra Yadav R/o Village - Azamnagar
(Kushiargaon), P.S. and District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Navendu Kumar, Adv.

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 29-09-2022 Learned counsel for the petitioner seeks permission to

file supplementary affidavit which is accepted in the Court

itself.

Let the defect(s), if any, be removed within two weeks

from today.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner seeks regular bail in connection with

Araria P.S. Case No. 181 of 2022 lodged under Sections 304(B),

201 and 120(B) of the I.P.C.

As per the prosecution case, the allegation against the

present petitioner is to kill his wife by strangulation and eloped

her dead body by committing a criminal conspiracy.

Learned counsel for the petitioner submits that

petitioner is innocent and has committed no offence. He submits that the first marriage of the petitioner was solemnized with one Madhu Devi and petitioner started residing at his in-laws house as *Ghar-Jamai*. In an accident, the wife Madhu Devi died and the petitioner continued to reside with his in-laws, namely, Jitendra Yadav. Subsequently, the marriage of the petitioner was solemnized second time with Soni Devi, daughter of Kanhaiya Prasad Yadav but he continued to reside at the house of his earlier *Sasur* Jitendra Yadav with the consent of the family.

Learned counsel for the petitioner submits that Madhu Devi are 2 sisters. From Soni Devi, the petitioner had 2 sons. Learned counsel for the petitioner submits that the informant has filed a petition with verification before the Chief Judicial Magistrate, Araria, in which he has changed his earlier version of F.I.R. entirely and this time made allegation against Sanjay Yadav and 3 others, it is placed by way of supplementary affidavit.

Learned counsel further submits that petitioner is in custody since 06.03.2022 having clean antecedent. Learned counsel submits that charge sheet has not been filed till date.

Learned counsel for the State opposes the prayer for bail and submits that this is an F.I.R. under Section 304(B) of

I.P.C. in which direct allegation is upon the husband to kill his wife. Matter is under investigation and if informant has changed his version completely, then he has to move before the Investigating Officer or before the High Police Officials so that proper investigation may come.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner at present but he may renew his prayer for bail after filing of charge sheet.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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