

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49472 of 2021

Arising Out of PS. Case No.-35 Year-2020 Thana- BANDHUWA KURAWA District- Banka

MUKESH YADAV Son of Ghanshyam Yadav Resident of Village -
Bhailuabadar, P.S.- Bandhuwa Kurawa, Distt.- Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 03-03-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Bandhuwa Kurawa P.S. Case No. 35 of 2020 instituted for the
offences under Sections 302, 120B and 34 of the Indian Penal
Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 09.03.2021, is a person with clean
antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that the
informant alleges that on 11.06.2020, he received information
that his daughter died, accordingly he reached the place of
occurrence and came to know that his daughter was murdered
by her husband (petitioner) and in-laws by strangulation.



Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R. it would manifest that the same does not disclose when the deceased was married to the petitioner, learned counsel further submits that the deceased was married to the petitioner in year 2004, the marriage was 16 years and old out of the wedlock, the couple had four children. Learned counsel submits that even the daughter of the deceased in her statement before the police has stated that petitioner used to work outside and whenever he used to come home, the deceased used to quarrel with him asking him to seek partition in the family and also that she does not know how her mother died. Learned counsel thus submits that from perusal of the statement of the daughter of the deceased it would manifest that she also has not raised any suspicion against the petitioner, further the postmortem report also does not record any external injury on the body of the deceased and the viscera has been preserved. Learned counsel thus submits that it may be possibility that she committed suicide.

Learned A.P.P. for the State after going through paragraph '130' of the case diary fairly submits that the daughter has not raised any suspicion but opposes the bail of the petitioner.



Considering the fact that the petitioner is in custody since 09.03.2021, is a person with clean antecedent, charge-sheet has been submitted in the case and taking into consideration the submissions made by the learned counsel for the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Smt. Sapna Rani, learned Judicial Magistrate, First Class, Banka in connection with Bandhuwa Kurawa P.S. Case No. 35 of 2020.

Learned counsel for the petitioner submits that pleadings made at paragraph '1' and in the prayer portion of the bail application has been rectified by filing a supplementary affidavit, further in the prayer portion it has been inadvertently recorded as 'to the satisfaction of Smt. Sapna Rani, learned Judicial Magistrate, First Class, Bhagalpur' instead of 'to the satisfaction of Smt. Sapna Rani, learned Judicial Magistrate, First Class, Banka' and the same has been rectified by way of filing a supplementary affidavit.

(Satyavrat Verma, J)

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