

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49246 of 2021**

Arising Out of PS. Case No.-166 Year-2020 Thana- KURTHA District- Jehanabad

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Anil Kumar @ Anil Yadav S/o Manlakhani Yadav R/o village- Sura, P.S.-
Kurtha, Distt.- Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nitya Nand Neeraj, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 06-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Kurtha
P.S. Case No. 166 of 2020 registered for the offence under
Sections 302, 201 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 15.04.2021.

The allegation against the petitioner is to commit
murder of his wife due to non-fulfillment of demand of cash.

Learned counsel appearing on behalf of the petitioner
submitted that the informant is not the eye witness of the
occurrence and entire allegation is based upon suspicion. It is



further submitted that chargesheet has been submitted under Section 306 of I.P.C. for the reason that the cause of death was suicide by consuming poison, due to family frustration.

The Report no.127 of 2022 of In charge, Chief Judicial Magistrate, Arwal dated 01.06.2022, as regard to stage of the case, in terms of order dated 25.05.2022 is showing that matter is pending for appearance of accused, as such, trial is yet to be started.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that the informant is not the eye witness of the occurrence.

Considering the facts and circumstances as mentioned above, as the informant is not the eye witness of the occurrence coupled with the fact that chargesheet has been submitted under Section 306 of I.P.C., where trial is yet to be started, let the petitioner, above named, is directed to be released on bail in connection with Kurtha P.S. Case No. 166 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 learned Chief Judicial Magistrate, Arwal, subject to the following conditions:

“(i) Accused/Petitioner shall



cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be Sanjay Kumar, who is the cousin brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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