

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52391 of 2021**

Arising Out of PS. Case No.-247 Year-2019 Thana- MANSI District- Khagaria

BHUSHAN YADAV @ BHUSHAN KUMAR, Son of Late Bhubneshwar
Yadav Resident of Village - Mansi Khutia, P.S.- Mansi, Distt.- Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh
For the Opposite Party/s : Mr.Shailendra Kumar

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 09-02-2022 Heard the learned counsel for the petitioner and the
learned APP for the State, through Video Conferencing.

The petitioner seeks bail in connection with Mansi
P.S. Case No. 247 of 2019, G.R. No. 3259 of 2019, instituted for
the offences under Sections 302, 498A, 34 of the Indian Penal
Code and Section 27 of the Arms Act.

The learned counsel for the petitioner submits that the
petitioner is in custody since 20.02.2021, he is a person with
clean antecedent, charge-sheet has been submitted and the
informant alleges that her daughter (deceased) was married to
the petitioner in the year 2018. It is further alleged that after
marriage, the accused persons including the petitioner
demanded Rs. 50,000/- by way of dowry and threatened to kill
her daughter on non-fulfillment of the demand, it is further



alleged that on 07.10.2019 at about 8:00 P.M., the accused persons had attempted to kill her daughter by firing at her but her daughter saved herself. Thereafter, it is alleged that Vikas Yadav caught her and the petitioner fired at the deceased, who received fire arm injury in her stomach and became badly injured. It is further alleged that the deceased was brought to Begusarai in the clinic of Dr. Ashok Sharma, who after primary treatment referred her to Patna for better treatment, it is further alleged that deceased was hospitalized in Shivam Hospital, Hanuman Nagar from where she was referred to PMCH on 09.10.2019 and accordingly it is alleged that the deceased died in the emergency ward of PMCH on 10.10.2019 but before her death, the deceased had disclosed the incident to the informant. It is further alleged that the accused persons did not inform the informant regarding the incident and she came to know about the incident from the neighbours of the accused.

Learned counsel for the petitioner submits that from perusal of the allegation, one thing would be clear that the deceased was shot at, the petitioner had immediately rushed her to the clinic of her doctor and thereafter he brought her to Patna and admitted her in a private hospital and thereafter again, she was referred to PMCH where she was admitted on 09.10.2019



but died in the emergency ward on 10.10.2019. This conduct of the informant gives credence to the submission made by the learned counsel for the petitioner that if the petitioner had committed the occurrence then definitely his effort would have been to kill the deceased and to dispose of her body, the petitioner would not have taken the risk of admitting her and getting her treated in hospital. The learned counsel also submits that the fact that the petitioner on referral admitted the deceased in PMCH, a Government hospital, that also shows that petitioner was completely unaware that he would be implicated in a case of present nature, the fact that the informant alleges that her daughter disclosed the occurrence to her that in itself demonstrates that the deceased was in a proper frame of mind and if the deceased was in a proper mind and was able to communicate then definitely the petitioner would not have brought her to PMCH or to any hospital for getting her treated and subsequently getting the occurrence disclosed through the deceased, in such circumstances the learned counsel submits that the conduct of the petitioner was such that for the purposes of bail it is difficult to believe that petitioner might have committed the occurrence. Learned counsel further submits that even the informant realizing her mistake and has filed an



affidavit in the learned Court below stating that the case was instituted by mistake.

The learned A.P.P. vehemently opposes the bail application.

Considering the fact that the petitioner is in custody since 20.02.2021, he is a person with clean antecedent, charge-sheet has been submitted and taking into consideration the submissions of the learned counsel for the petitioner, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Khagaria, in connection with Mansi P.S. Case No. 247 of 2019, G.R. No. 3259 of 2019.

The application stands allowed.

(Satyavrat Verma, J)

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