

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56274 of 2021

Arising Out of PS. Case No.-67 Year-2020 Thana- GANGTA District- Munger

Mukesh Yadav, Son of Sita Ram Yadav, Resident of Village- Bari Majhgay,
P.S.- Gangta, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jyoti Ranjan Jha, Advocate

For the Opposite Party/s : Mr.Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

8 17-10-2022 A supplementary affidavit has been filed in the Court,
which is taken on record.

As prayed, the petitioner is permitted to make
necessary correction in the bail petition in course of the day.

Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Gangta P.S. Case No. 67 of 2020 registered for
the alleged offences under Sections 304B, 302, and 34 of the
Indian Penal Code.

As per prosecution case, the sister of the informant
was married to the petitioner eight years prior to the registration



of the FIR. The allegation against the petitioner is that he used to demand money and further on account of his demand of Rs.1 lac, the petitioner killed his wife in common intention with other family members.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Admittedly, the deceased was married with the petitioner eight years back and no complaint of any nature was made either by her or by any of his relatives against the petitioner or his family members. The true facts of the case is that wife of the petitioner died of injury sustained by her when she was trying to climb on the roof by bamboo ladder and she fell down from the ladder and she got seriously injured and succumbed to her injury during the course of her treatment. The father of the deceased while deposing before the learned trial court has admitted this fact and has further stated that the petitioner or the in-laws of his deceased daughter never demanded any dowry and his son has filed this case due to misunderstanding and village politics. Learned counsel further submits that the parents-in-law have been granted anticipatory bail vide order dated 26.05.2021 passed in Cr. Misc. No. 37518 of 2020. The petitioner is in custody since 22.03.2021.



Learned APP opposes the prayer for bail submitting that the allegation of causing death of the sister of informant is against the petitioner, who was her husband, The post mortem report shows a number of ante-mortem injuries which resulted in death of the sister of informant. However, learned APP concedes that all the injuries are on left side of the skull and below left ear and left temporal region.

Perused the records.

Having regard to the facts and circumstances and submissions made hereinabove and considering the deposition of the father of the deceased and the nature of injuries sustained by the deceased and further considering the clean antecedent of the petitioner along with his period of custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-7, Munger/court concerned, in connection with Gangta P.S. Case No. 67 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.



(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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