

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58620 of 2021

Arising Out of PS. Case No.-426 Year-2020 Thana- RAHUI District- Nalanda

RAKESH YADAV Son of Saina Yadav Resident of Village - Bhatha, Police Station - Harnaut (Gokhulpur O.P.), District - Nalanda at Bihar Sharif.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Prem Ranjan Kumar
For the Opposite Party/s :	Mr.Aditya Narayan Singh.1
	Mr. Premchandra Yadav

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 11-02-2022 Heard learned counsel for the petitioner, the State and the informant.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 307 and some other ancillary Sections of the Indian Penal Code.

As per the prosecution case, this petitioner along with co-accused, Mukesh Yadav, pierced sharp iron rod in the head of husband of informant, who died during the course of treatment.

Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the case. It is submitted that alleged occurrence took place on 13.10.2020 but the FIR was lodged on 19.10.2020 after six days of occurrence without any explanation for such delay and it appears that FIR was lodged after thought and deliberation. It is next submitted that post mortem report belies the prosecution case inasmuch as no piercing wound caused by sharp edged weapon was found on the head of the deceased by the doctor. Similarly situated accused Mukesh Yadav has already been granted bail by this court vide



order dated 13.01.2022 passed in Cr. Misc. No. 50057/2021. Petitioner claims clean antecedent and is in custody since 20.03.2021 and investigation in this case is complete.

Learned counsel appearing for the State and the informant opposed the prayer for bail and submitted that it is a case of honour killing. Petitioner is none else than the brother of informant and since the informant solemnized love marriage with deceased against the wishes of her family members, this petitioner and other accused persons committed the murder of the deceased.

Considering the facts of the case, the period of custody of the petitioner and the fact that post mortem report does not corroborate the allegation made in the FIR, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-IV, Nalanda at Biharsharif in connection with Rahui PS case No. 426/2020.

(Prabhat Kumar Singh, J)

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