

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58476 of 2021

Arising Out of PS. Case No.-37 Year-2021 Thana- BARACHATTI District- Gaya

Umesh Yadav S/O Lalu Yadav @ Lalkeshwar Yadav R/o village- Sobh, P.S.-
Barachatti, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Jubair Ansari, Advocate

For the Opposite Party/s : Mr. Rajeev Nayan, App

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-05-2022 Let the defects, if any, be removed within four weeks
from today.

Heard Mr. Jubair Ansari learned counsel for the
petitioner and Mr. Rajiv Nayan learned Additional Public
Prosecutor for the State.

Petitioner seeks bail in a case registered in connection
with Barachatti P.S.Case No.37 of 2021 for the offences
punishable under Sections 302/34 of the Indian Penal Code.

As per the prosecution case, it is alleged that marriage
of the informant's daughter was solemnized way back in the
year 2005 and this petitioner, who happens to be husband of the
deceased addicted to alcohol and frequently torture the
deceased, Nagina Devi (wife). It is further alleged that on the
date of incident the accused assaulted and strangled her to



death.

It is submitted on behalf of the learned counsel for the petitioner that there is general and omnibus allegation against all the family members that they were used to torture the deceased but the fact is otherwise. It is submitted that during the course of investigation, it has come that on the alleged date of occurrence at about 10 am some altercation has taken place between husband and wife and the (deceased) wife straight way came to her house and committed suicide. It is also submitted that during the course of investigation, statement of son of the deceased namely, Sachin Kumar was recorded and he categorically stated that after some quarrel his mother came to her house and thereafter closed the door from inside and committed suicide. On hulla the villagers came and thereafter, the door was opened and found the deceased was hanging from ventilator. It is further submitted that during the course of investigation, the police has not found any other material against other co-accused persons and they have not been sent up for trial. It is next submitted that there is no independent witness, who has supported the version of prosecution and this petitioner having clean antecedent, is in custody since 02.02.2021, though the investigation has already completed and charge sheet has



been submitted.

On the other hand, learned Additional Public Prosecutor for the State opposed the bail application of the petitioner and submits that petitioner is husband of the deceased and he assaulted the deceased, which resultant into her death.

Having heard the rival contentions of the parties and taking into consideration the statement of the son of the deceased recorded by the police along with the statements of the witnesses, who categorically stated that on account of some quarrel the deceased committed suicide and further this petitioner is in custody since 02.02.2021 having no criminal antecedent and moreover, Investigation has already completed and charge sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sherghati, Gaya in connection with Barachatti P.S.Case No. 37 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.



(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

N.K/-

U		T	
---	--	---	--

