

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59559 of 2021

Arising Out of PS. Case No.-113 Year-2020 Thana- KHUDAGANJ District- Nalanda

Ramesh Yadav S/o Ranjan Yadav R/V- Narayanpur Balwapar Bardaha, P.S.-
Khodaganj, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Sujata Sinha

For the Opposite Party/s : Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 22-06-2022 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
Khudaganj P.S. Case No. 113 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 09.12.2020.

The allegation against the petitioner is to commit
murder of his wife.

Learned counsel appearing on behalf of the petitioner
submitted that the initially F.I.R. has been lodged under Section
304(B) of I.P.C. whereas chargesheet has been submitted under



Section 302 of I.P.C.. It has further been submitted that the informant, who is the father of the deceased, is not the eye witness of the occurrence and it is also not a case where dead body has been recovered from the house of the petitioner/husband to attract presumption against the petitioner. It has further been submitted that no external injury found on the body of the deceased, as per post mortem report. While concluding the argument, it has also been submitted that chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances as mentioned above, as the informant is not the eye witness of the occurrence coupled with the fact that the dead body of the deceased recovered from an open field, let the petitioner, above named, is directed to be released on bail in connection with Khudaganj P.S. Case No. 113 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 Additional Sessions Judge-I, Hilsa at Nalanda, 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 Bindu Devi, who is the sister-in-law of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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