

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59591 of 2021

Arising Out of PS. Case No.-113 Year-2021 Thana- HISUWA District- Nawada

BIRENDRA YADAV S/o KEDAR YADAV R/o VILLAGE-BANDHUA
TOLA TULSI BIGHA, P.S-MUFFASIL, DISTRICT- GAYA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Adv.

For the Opposite Party/s : Mr. Narsingh Tanti, Patna

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-03-2022 Heard learned counsel for the petitioner and Mr.
Narsingh Tanti learned A.P.P. for the State.

The petitioner seeks bail in connection with Hisua P.S.
Case No. 113 of 2021 instituted for the offences under Sections
302/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 11.08.2021 is a person with clean
antecedent, charge-sheet has been submitted in the case and the
informant alleges that his brother (deceased) was married to
Rinku Devi and Rinku Devi was having illicit relation with the
petitioner, which was objected by the deceased, further on
04.03.2021, the petitioner came to the house of deceased and on
05.03.2021, the dead body of the deceased was found in the
house indicating that he was strangled to death, accordingly,



the informant alleges that on account of illicit relationship Rinku Devi in connivance with the petitioner killed the deceased.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case out of enmity. There is no eye witness to the occurrence further neither Rinku Devi nor the children, who were present in the house have been examined. It is further submitted that as far as relationship of Rinku Devi with petitioner is concerned, there is no truth in the same.

Learned counsel for the informant and learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that the postmortem report records death due to strangulation, external and internal injuries found, further during investigation witnesses have stated that the petitioner was last seen with Rinku Devi in her home. Learned counsel for the informant further submits that whether the petitioner or Rinku Devi killed or not is not an issue, the issue is that brother of the informant was killed and allegation is against the named accused persons in the First Information Report. He further submits that humanly it is not possible for wife to alone kill her husband and that too by strangulation and inflicting external



and internal injuries, this is a circumstances which suggest that whosoever the assailant but definitely was more powerful than the deceased. Learned counsel for the informant thus, submits that presently in the First Information Report, the accusation is against Rinku Devi and the petitioner and the deceased died and Rinku Devi was inside the house when the occurrence took place, as such, based on circumstances and the allegation, it can be submitted that petitioner had a role in killing of the deceased for the present for the purposes of bail.

Considering the submissions made by the learned counsel for the informant, I am not inclined to grant bail to the petitioner. It is, accordingly, rejected.

(Satyavrat Verma, J)

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