

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71264 of 2021

Arising Out of PS. Case No.-43 Year-2021 Thana- ATRI District- Gaya

Gunjesh Yadav, Son of Sukhdeo Yadav, Resident of village - Money Bigha,
P.S.- Atri, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Baxi S.R.P. Sinha, Sr. Advocate Mr.Arvind Kumar Singh, Advocate
For the Opposite Party/s	:	Mrs.Anita Kumari Singh, APP
For the Informant	:	Mr. Manish Kumar No.2, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 17-10-2022 Heard learned senior 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 Atri P.S. Case No. 43 of 2021 registered for the
alleged offences under Sections 302 and 34 of the Indian Penal
Code.

As per prosecution case, the petitioner was married
with the sister of informant and they have two children out of
this marriage. The informant came to know that her sister was
seriously ill and when he went to her matrimonial home, he
found her dead. The informant showed his suspicion that the



petitioner and other co-accused persons killed his sister by assaulting her.

The learned senior counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case as he is the husband of the deceased. There is no specific allegation against the petitioner. The learned senior counsel further submits that the post-mortem report shows the death has not been caused by any assault and viscera was sent to the FSL to ascertain the cause of death. It has also come in the statement of the witnesses examined during investigation that the deceased consumed some poisonous substance and she died subsequently. Except for the informant, no other witness has stated otherwise. The petitioner is in custody since 05.02.2021 and the charge-sheet has been submitted in this case. The petitioner has got clean antecedent.

Learned APP as well as learned counsel appearing on behalf of the informant oppose the submission made on behalf of the petitioner. The learned counsel appearing on behalf of the informant submits that the inquest report as well as the post mortem report shows injury marks on the body of the deceased. The learned counsel further submits that informant in his restatement has stated about a number of cases between the



husband and the wife.

Perused the records.

Having regard to the facts and circumstances of the case and the submissions made hereinabove and considering the fact that the post mortem report does not support the allegation regarding cause of death and further considering the statement of the witnesses, who are not the family members and also considering the period of custody of the petitioner along with submission of charge sheet and his clean antecedent, 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 Chief Judicial Magistrate XIII, Gaya, in connection with Atri P.S. Case No. 43 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 the deponent, who has sworn the affidavit.
- (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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