

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72048 of 2021

Arising Out of PS. Case No.-284 Year-2021 Thana- KAUWAKOL District- Nawada

Kaushal Yadav S/o Late Naresh Yadav R/o village- Sadikpur, P.S.- Kawakole,
District- Nawada

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-05-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Kawakole
P.S. Case No. 284 of 2021 registered under Sections 302, 201
and 120(B) of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 04.09.2021, is a person with clean
antecedent, charge-sheet has been submitted in the case and the
informant alleges that his wife on 28.07.2021 on the pretext of
attending call of nature went out to the house but did not return,
further his wife was having an affair with the petitioner, hence
the informant went to the house of the petitioner to inquire but
the petitioner was also not found in his house, thereafter on
31.07.2021 dead body of his wife was found in a ditch, thus,
alleges on basis of suspicion that the petitioner along with



unknown persons killed her.

Learned counsel submits that from bare perusal of the allegation alleged in the F.I.R. it would manifest that the allegation appears to be inherently improbable and patently absurd, it is submitted that it absolutely does not stand to reason that the husband who is knowing about the affair of his wife would go to the house of the person with whom she is having an affair to inquire about his wife, it is further submitted that the conduct of the informant also appears to be suspicious that when the wife did not return in the night on 28.07.2021 then why the informant did not promptly instituted an F.I.R. or a missing report after waiting for the compulsory period. Learned counsel further submits that if the petitioner was in love with the wife of the informant then there was absolutely no motive for him to commit the occurrence. It is, thus, submitted that it appears that since the informant was aware that his wife is having an affair with the petitioner, as such he took the same as an opportunity to kill her and falsely implicate the petitioner.

Learned counsel further submits that the F.I.R. has been instituted after a delay of two days and that too when the dead body was recovered and without any explanation for the delay which also creates suspicion that the informant by way of



after thought implicated the petitioner.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner but is not able to meet the submissions of the learned counsel for the petitioner that there is no explanation for instituting the F.I.R. after a delay of nearly two days.

Considering the fact that the petitioner is in custody since 04.09.2021, is a person with clean antecedent, charge-sheet has been submitted in the case and taking into consideration the submissions made by the learned counsel for the petitioner, let the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Kawakole P.S. Case No. 284 of 2021.

(Satyavrat Verma, J)

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