

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21266 of 2023

Arising Out of PS. Case No.-470 Year-2022 Thana- AKBARPUR District- Nawada

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Budhan Yadav S/O- Prameshwar Yadav Village- Dhanbara Ps- Akbarpur Dist-
Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

02. Let the defect (s), if any, as pointed out by the
office be removed within a period of four weeks.

03. In the present case, the petitioner seeks bail in
connection with Akbarpur P.S. Case No. 470 of 2022 registered
on 03.09.2022 for the alleged offences under Sections 302, 201,
34 of the Indian Penal Code.

04. As per prosecution case, the sister of the informant
was married with co-accused Vikash Yadav, the younger brother
of this petitioner. The allegation against the petitioner and other
co-accused persons is that they killed the sister of the informant
and threw away her dead body in *Aahar* (a water body) and
thereafter, they tried to burn her dead body.



05. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is the elder brother of the husband of the deceased and he has no concern with the family of the deceased or his brother as the petitioner has been residing separately from the family of the deceased since 2015. There is no specific allegation of assault against this petitioner and the said allegation is only against co-accused Vikash Yadav. Learned counsel further submits that the deceased went missing and the informant was given this information and he joined in search of the deceased, but later on, filed this false case. Learned counsel further submits that during investigation independent witnesses have stated about the deceased insisting her husband to take her along with him to Kolkata and on his refusal, she committed suicide by drowning herself. The postmortem report also supports this fact where cause of death has been mentioned as asphyxia due to drowning. Learned counsel further submits that this fact is also apparent from reading of the FIR that if the petitioner and other co-accused persons threw the dead body why they would take out and try to burn it. Learned counsel further submits that this is not a case of murder and this is a suicide after 14 years of the marriage of the deceased. Even



after investigation, the police submitted charge-sheet under Section 306 read with Section 201 of the IPC. The petitioner is in custody since 26.12.2022. The petitioner has got no criminal history.

06. Learned APP for the State opposes the prayer for bail.

07. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the distinct lack of substantive material against the petitioner to connect him with the offences as alleged and further considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to 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-I, Nawada in connection with Akbarpur P.S. Case No. 470 of 2022 subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.



(iii) In case of absence for 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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