

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44304 of 2023**

Arising Out of PS. Case No.-4 Year-2022 Thana- AANDAR District- Siwan

SUDHIR KUMAR @ SUDHIR KUMAR YADAV S/O VIDYANAND
YADAV R/O VILLAGE- MADESHILAPUR, PS. ANDAR, DIST. SIWAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogendra Tiwari, Adv. Mr. Milind Kumar Mishra, Adv.
For the Opposite Party/s	:	Mr. Ramchandra Sahni, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

- 3 16-08-2023 1. Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.
2. Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.
3. The petitioner has preferred this application for grant of regular bail in connection with Sessions Trial No. 177 of 2022 arising out of Andar P.S. Case No. 04 of 2022, registered u/s 302 read with 34 of the Indian Penal Code and 27



of the Arms Act.

4. As per the prosecution case, a miscreant shot on the head of the informant's wife while the informant along with his wife was going to their house on a motorcycle.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case on mere suspicion. The petitioner has clean antecedent as stated in para 3 of the bail petition. The F.I.R. was lodged against unknown miscreant. The petitioner is the husband of the deceased. He has no concern with the alleged offences and the petitioner was residing with his wife cordially. The name of the petitioner has sprung up during the course of investigation. Earlier, learned trial Court was directed to expedite the trial and conclude the same preferably within nine months. As per the report submitted by the concerned court vide letter 174 of 2023 dated 22.07.2023, trial has not been concluded within the said period. It is further submitted that the conclusion of trial will take some more time. The petitioner is in custody since 15.01.2022.

6. Learned A.P.P. for the State as well as learned counsel for the informant have vehemently opposed the bail petition of the petitioner by submitting that the petitioner had



love affair with his sister-in-law (saali) and there was estranged relationship between the husband and the wife. There is sufficient material in the case diary which shows that during the course of investigation it has come in light that the petitioner himself shot his wife dead. He further submitted that the prayer for bail of this petitioner was rejected vide order dated 30.08.2022 passed in Cr. Misc. No. 16007 of 2022 with direction to expedite the trial and conclude the same preferably within nine months, but the trial has not been concluded within the aforesaid period. It is also submitted that charge has been framed.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Siwan in connection with Sessions Trial No. 177 of 2022 arising out of Andar P.S. Case No. 04 of 2022, with the condition:-

- (i) The petitioner is directed to remain physically present before the learned Court below on each and every date,



failing which on two consecutive dates
without reasonable cause, the bail bonds
of the petitioner are liable to be cancelled.

(Chandra Prakash Singh, J)

Alok Verma/-

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