

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48768 of 2022

Arising Out of PS. Case No.-308 Year-2022 Thana- BANKA District- Banka

LAXMAN YADAV S/o Lokeshwar Yadav Resident of Village- Shasan, P.S.-
Banka, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bharat Lal, Adv.
For the Opposite Party/s	:	Mr. Zainul Abedin, APP.
For the Informant/s	:	Mr. Dhananjay Kr. Pandey, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 27-02-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the informant.

Petitioner seeks regular bail in connection with Banka P.S. Case No. 308 of 2022 registered for the offences punishable under Sections 498(A), 304(B) and 328/34 of the Indian Penal Code.

As per the prosecution, the informant alleged that in between the petitioner and the victim, altercations usually took place due to objection made by the victim against the illicit



relationship in between the petitioner and the petitioner's sister-in-law (Bhabhi). It is further alleged that on account of non-fulfillment of demand of motorcycle and two lac rupees, his daughter was killed by the petitioner along with other eight co-accused persons and these accused persons tried to conceal the fact regarding cause of death of the victim.

The main submissions advanced by petitioner's counsel are that the victim who happened to be wife of this petitioner, died a natural death after fourteen years of her marriage, as per the FIR the petitioner was alleged to have murdered his wife by throttling but the said allegation has been falsified by viscera report of the deceased which shows that *Thimet* was detected in the viscera of the deceased, which shows that the deceased died due to poisonous material and on the body of the deceased, no external injury was found as per the *post-mortem* examination report. Further submission is that the petitioner has been languishing in jail since 25.05.2022 and the alleged offence of 304B of the Indian Penal Code is not made out in this case and the offence of 302 as alleged is completely based on suspicion and the medical evidence does not corroborate the prosecution's allegation.

Learned APP appearing for the State and learned



counsel appearing for the informant have opposed the bail prayer.

Considering the aforesaid facts and mainly the petitioner's custody period and also the fact that the marriage of the victim with this petitioner took place in the year 2008 and the medical evidence goes against the allegation made in the FIR, in my view it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Banka P.S. Case No. 308 of 2022.

(Shailendra Singh, J)

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