

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56698 of 2022

Arising Out of PS. Case No.-108 Year-2021 Thana- NAUTAN District- Siwan

Sushil Yadav S/O Radha Kishun Yadav R/O Village- Khap Mishrauli, P.S.-
Nautan, Distt- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 13-03-2023 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 and learned APP for the State.

Petitioner seeks regular bail in connection with Nautan P.S. Case No. 108 of 2021 registered for the offences punishable under Sections 302 and 201/34 of the Indian Penal Code.

As per the prosecution, the daughter of the informant was married to this petitioner (Sushil Yadav) about eight years ago but thereafter she was subjected to torture and ultimately she was killed by strangulation due to non-fulfillment of dowry demand.



The main submissions advanced by the petitioner's learned counsel are that the petitioner who is the husband of the deceased, has been languishing in jail since 09.08.2021 and the marriage between the petitioner and his wife (deceased) took place in the year 2010 and before the death of the deceased there was no previous complaint by the deceased against the conduct of the petitioner and his family members and two children were born out of their wedlock which shows that there was a cordial relation in between them and during the course of investigation none of the independent witnesses supported the prosecution's case and the investigation has been completed against the petitioner and one co-accused namely, Kalawati Devi has been granted anticipatory bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 56540 of 2021 and other co-accused namely, Kishun Yadav has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 56971 of 2021. Further submission is that the deceased's paternal family members had also participated in the funeral of the deceased and the next day they lodged the present case with false allegations.

Learned APP appearing for the State has opposed the prayer for bail.



Considering the aforesaid facts and mainly the petitioner's custody period and also the fact that above-mentioned two co-accused persons carrying almost similar nature of allegations are on bail, in my opinion the petitioner deserves to a lenient approach of this Court. 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 concerned Court in connection with Nautan P.S. Case No. 108 of 2021.

(Shailendra Singh, J.)

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