

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58779 of 2022

Arising Out of PS. Case No.-28 Year-2022 Thana- PIPRASI District- West Champaran

MANAGER YADAV Son of Satyanarayan Yadav Resident of village - Jarar,
P.S.- Kotwali Padrauna, District - Kushinagar (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Advocate
For the Opposite Party/s	:	Mr. Raj Ballabh Singh, APP
For the Informant	:	Ms. Shail Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 16-02-2023 Heard learned senior counsel appearing on behalf of
the petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Piprasi
P.S. Case No. 28 of 2022 registered for the offence under
Sections 302 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 28.04.2022.

The allegation against the petitioner is to commit
murder of his own sister and her son, who is daughter-in-law of
the informant, due to previous enmity.

Learned counsel appearing on behalf of the petitioner



submitted that entire allegation is based upon suspicion for the reason that informant is not the eye witness of the occurrence. It is submitted that the alleged strained relation of petitioner with his deceased sister was admittedly improved much earlier to this occurrence and just prior to fifteen (15) days of the occurrence, she returned happily spending time with petitioner. It is further submitted that save and except suspicion as deceased solemnized her marriage out of love affairs, where a threat was advanced by this petitioner, nothing surfaced incriminating during the investigation. It is also submitted that one of the brother of the deceased, who was also to be advanced threat to deceased regarding solemnization of her marriage, has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 48259 of 2022 vide order dated 06.12.2022. While concluding the argument, it is submitted that it is not a case of honor killing for the reason that both parties are of same caste and, moreover, investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for the informant, while opposing the prayer of bail submitted that petitioner was found present in early morning on the day of



occurrence in the house of the deceased.

In view of the facts and circumstances as mentioned above, as entire allegation is appearing on the basis of suspicion, where informant is not the eye witness of the occurrence, in the background of the fact that the presence of petitioner is admitted by the informant in his house much prior to the occurrence being relative/full brother of the deceased coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Piprasi P.S. Case No. 28 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bagaha, West Champaran/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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