

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70758 of 2022

Arising Out of PS. Case No.-122 Year-2019 Thana- LAUKAHA District- Madhubani

DEO NARAYAN YADAV S/o Late Rajdeo Yadav R/o Village- Belha, P.S.-
Lalmaniya, Distt- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Adv. Mr. Ravi Prakash, Adv. Mr. U.K. Yadav, Adv. Mr. Vinod Kumar, Adv. Mr. Rajesh Kumar, Adv.
For the Opposite Party/s :		Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 06-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
25.05.2019 in connection with Laukaha (Lalmaniya) P.S. Case
No. 122/2019, F.I.R. dated 15.05.2019, for the offences
punishable under Sections 302/34 of the IPC.

According to prosecution case, the petitioner is alleged
to have assaulted on the head and face of his wife namely Gulab
Devi by means of spade, due to which she died.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case merely on the basis that the



petitioner is husband of the deceased. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that the marriage of the deceased was solemnized with the petitioner about 25 years ago. He further submits that from bare perusal of the F.I.R. it appears that there is general and omnibus allegation against all the accused persons. The informant is not an eyewitness of the alleged occurrence and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 25.05.2019.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

Vide order dated 10.05.2023, a report was called for from the learned Trial Court regarding the present stage of the trial. Report dated 18.04.2023 of the learned Trial Court reveals that the charge has been framed against the petitioner on 19.11.2022 under Section 302 and 34 of the IPC but the prosecution has not produced any witness as yet.

Learned counsel for the petitioner submits that in view of the report of the learned Trial Court, the trial is not likely to



be concluded in near future and the petitioner is in custody since 25.05.2019.

Considering the report of the learned Trial Court and period of custody, let the petitioner, above named, be released 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 learned C.J.M., Madhubani in connection with Laukaha (Lalmaniya) P.S. Case No. 122/2019, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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