

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73003 of 2023

Arising Out of PS. Case No.-320 Year-2023 Thana- PAKARIBARAW District- Nawada

ANANDI YADAV Son of Late Bundi Yadav R/o vill - Bardiha, P.S. -
Pakribarawan, Distt. - Nawada

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deepak Kumar

For the Opposite Party/s : Mr.Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-11-2023 Heard the parties.

2. The petitioner is in Judicial custody in connection with Pakribarawan P.S. Case No. 320 of 2023, instituted under Sections 306/201/34 of I.P.C. lodged on 16.07.2023 by the informant, Rita Devi.

3. As per the prosecution story, petitioner is the younger brother of the deceased. The informant's wife of the deceased alleged that the petitioner had taken a loan of Rs.2,50,000/- from the deceased but was not making payment. On the fateful day, there was fight between the two brothers as also the wife of the petitioner and in consequent thereof, the informant's husband consumed poison. Accordingly the F.I.R.

4. Learned counsel for the petitioner submits that the informant was the second wife of the deceased and from the



first wife, there were female child for whose marriage solemnized recently, payments were made which was opposed by the lady which followed the consummation of the poison. The petitioner himself took the deceased to the doctor. It is his further submission that deceased was under deep depression due to constant fight with the informant which may also have been reason but now he has been implicated in the matter. Learned counsel for the petitioner further submits that in case he is enlarged on bail, he will be diligently appearing in the trial.

5. Learned APP opposes the prayer for bail stating therein that it is an admitted fact that after the fight, he has consumed poison resulting into the death.

6. Considering the submission put forward by learned counsel for the petitioner and also that it is on record that he has consumed poison and F.I.R. lodged and the petitioner remained in custody since 06.08.2023 (para 21 of the bail petition) and do not have criminal antecedent, this Court is inclined to grant him privilege of bail.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Nawada, in connection with



Pakribarawan P.S. Case No. 320 of 2023, subject to following conditions :

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself,

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds:

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

8. As per the giving by learned counsel for the petitioner, that he will appearing in the trial and failure to do so the trial Court is free to cancel his bail bond.

(Rajiv Roy, J)

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