

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5539 of 2024

Arising Out of PS. Case No.-470 Year-2022 Thana- AKBARPUR District- Nawada

Vikash Yadav @ Vikash Kumar, son of Prameshwar Yadav, Resident of
Village - Dhanbara, Police Station - Akbarpur, District - Nawada

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar, Advocate

For the Opposite Party/s : Mr.Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

26-04-2024

Heard learned counsel for the petitioner and learned

APP for the State.

2. In the present case, the petitioner seeks bail in connection with Akbarpur P.S. Case No. 470 of 2022 registered on 03.09.2022 for the alleged offences under Sections 302, 201, 34 of the Indian Penal Code.

3. As per prosecution case, the petitioner is the husband of the sister of the informant and there has been three daughters out of this wedlock. The allegation against the petitioner is that he and his family members used to torture and assault the sister of the informant and further used to threaten her to leave their house. On 03.09.2022, the informant received information from the villagers about the petitioner and other co-accused persons committing murder of his sister and throwing



her dead body in *Aahar* (a water body) and thereafter, they brought the dead body to cremation ground from where it was sent for post mortem.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The post mortem was done and it shows death was caused due to drowning resulting into asphyxia. The learned counsel further submits that the petitioner had been living in Kolkata for earning his livelihood as he has been working as labourer. The wife of the petitioner had been demanding to be taken to Kolkata and as the petitioner refused, his wife committed suicide. When the sister of the informant went missing, the information was given to the informant and the dead body was searched by the in-laws and the informant. Even the independent witnesses have stated that the occurrence did not take place in the alleged manner and the lady committed suicide by drowning herself in a *Aahar* (a water body). Even the police after investigation found the case true only under Sections 306, 201, 34 IPC. The learned counsel further submits that all the three daughters of the deceased have been staying with the parents of the petitioner and it is only a case of suicide after 14 years of marriage. The petitioner was not present at the place of occurrence during that period. The petitioner is in custody since



31.10.2023. The learned counsel further submits that the informant and his wife have been examined as P.W.1 and P.W. 2, respectively before the learned trial court and the wife of the informant turned hostile and did not support the prosecution case and the informant as P.W. 2 deposed about accidental death of his sister.

5. Learned APP opposes the submission made on behalf of the petitioner. The learned APP submits that the petitioner is the husband of the deceased and allegation is quite serious.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the distinct lack of substantive material against the petitioner to connect him with the offences as alleged and further considering the period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Nawada in connection with Akbarpur P.S. Case No. 470 of 2022 subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

(i) One of the bailors will be a close relative of



the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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