

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15765 of 2024

Arising Out of PS. Case No.-392 Year-2022 Thana- CHHATAPUR District- Supaul

Arun Yadav @Arun Kumar @ Arun Kumar Yadav SON OF
RAGHUNANDAN YADAV Resident of village - NAVDIHI GUDIYA, PS-
JADIA, DISTT- SUPAUL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ansul, Advocate Mr. Shyam Kishore, Advocate
For the Opposite Party/s	:	Mr. Ganesh Prasad Singh, APP
For the Informant	:	Mr. Prafull Chandra Thakur, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 21-06-2024 Heard Mr. Ansul, learned Counsel for the petitioner and

Mr. Prafull Chandra Thakur representing the informant as also the

learned APP.

2. The petitioner is an accused in connection with
Chhatapur P.S. Case No. 392 of 2022 registered for the offence under
Sections 302, 304(B), 328/34 of the Indian Penal Code lodged on
26.10.2022 by the informant, Sunil Kumar Yadav.

3. It is a peculiar case where this petitioner along with one
Meera Devi preferred Cr. Misc. No. 74429 of 2023 through a
different Counsel (Late Sanjiv Nikesh) and on his demise when the
matter was taken up, other Counsel assisted the Court who had no
knowledge about the fact that subsequently both Meera Devi and
Arun Yadav @ Arun Kumar were arrested (as per the information
given by Mr. Shyam Kishore, learned Counsel who also represent in
this case), this petitioner was arrested on 11.10.2023 itself (paragraph
20 of the petition).

4. As these facts did not come in the domain of the Court,
when the matter was taken up, the anticipatory bail application was



allowed on 05.03.2024 taking into account that the present petitioner is the maternal uncle of the main accused, Rupesh Yadav.

5. As per the record of the case, the bail petition was filed on 25.02.2024 itself i.e. two weeks before the anticipatory bail application was actually taken up for consideration. It is unfortunate that the petitioners' '*pairvikar*' chose not to get the anticipatory bail application withdrawn which resulted into this faux pas.

6. As per the prosecution story, the informant alleged that his daughter, Manisha Devi was married to Rupesh Yadav but was tortured for dowry and one day when the informant's mother-in-law died and his daughter requested them to participate in the cremation, she was assaulted. This followed administration of poison to the daughter and two grand sons and, resultantly, they died. Accordingly, the F.I.R.

7. Mr. Ansul representing the petitioner submits that though it is unfortunate that the lady alongwith two kids died due to poisoning, the fact remains that the lady committed suicide along with her children when denied in attending funeral. However, the family members which include this maternal uncle have been implicated alleging killing.

8. Learned Counsel appearing on behalf of the informant, on the other hand, disputes the suggestion put forward by Mr. Ansul and submit that only trial can confirm whether it is a triple murder case executed by the accused persons or the lady actually committed



suicide after killing her children.

9. Learned APP also opposes the prayer and supports the prosecution story.

10. This Court would like to incorporate the order passed in Cr. Misc. No. 74429 of 2023 (the anticipatory bail) wherein paragraphs 5 to 8 read as follows:-

“5. Learned counsel for the petitioners submits that it is a case of suicide, she insisted on attending the cremation, the family members chose not to go and this led her to commit suicide along with her children and it is unbelievable that the family members will kill both the lady as also two children. Further, submission is that they are family members inasmuch as petitioner No.1 is the mother-in-law and petitioner No.2 is maternal uncle of the deceased.

6. Learned A.P.P. for the State, on the other hand, opposes the prayer stating that the allegation is of administering the poison.

7. Taking into account the submission put forward by the parties as also the fact that, prima facie, the prosecution story moves to a different angle, in any case, these two petitioners are mother-in-law and maternal uncle, the husband having failed to take care of the lady, he is ultimately responsible for occurrence.

8. In the aforesaid background of fact, this Court is inclined to extend the privilege of anticipatory bail to the petitioners.”

11. The fact remains that considering the case, petitioner



being the maternal uncle, main allegation is against the husband Rupesh Yadav, the anticipatory bail application was allowed, as stated above. However, before that he was arrested and this bail application is on record. This Court in the aforesaid circumstances is duty bound to allow the petition particularly when he is in custody since 11.10.2023 and do not have criminal antecedent.

12. Learned Counsel appearing on behalf of the informant submits that as per the instruction, the charges have already been framed against this accused person.

13. Mr. Ansul, learned Counsel appearing on behalf of the petitioner on instruction submits that in case the statement made by the informant's counsel is correct and charges have been framed, the petitioner will be diligently appearing in Trial before the Court on each and every date.

14. Taking into account all the aforesaid facts including the observation made in the anticipatory bail order dated 05.03.2024, as also the facts that the charges have been framed and the petitioner diligently will appear in trial, as undertaken, this Court is inclined to extend him the privilege of bail.

15. Learned Counsel for the informant submits that the husband is still at large. The F.I.R. is of December, 2022 and we are in June, 2024 and in that background, it is expected that the police will perform its role diligently so far as the arrest of husband, Rupesh Yadav is concerned. The S.P., Supaul should look into the matter.



16. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned C.J.M., Supaul, in connection with Chhatapur P.S. Case No. 392 of 2022 , subject to the following conditions:-

(i) one of the bailor should be the family member/relative 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 his 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.

(Rajiv Roy, J)

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