

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24159 of 2024

Arising Out of PS. Case No.-87 Year-2023 Thana- PALI District- Jehanabad

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SUJEET YADAV SON OF SURENDRA YADAV RESIDENT OF VILLAGE
- TIMALPUR, POLICE STATION - PALI, DISTRICT - JEHANABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Sinha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 21-06-2024 Heard Mr. Dharendra Kumar Sinha, learned counsel
for the petitioner and Mr. Jitendra Kumar Singh, learned APP.

2. The petitioner is in custody in connection with Pali P.S. Case No. 87 of 2023 for the offence punishable under sections 304(B), 201 and 34 of the Indian Penal Code lodged on 14.07.2023 by the informant, Minta Devi.

3. As per the prosecution story, the informant alleged that her daughter was married to the petitioner, two and a half years back was tortured for dowry and she had made a call and had suspicion that she may be killed. On a fateful day, they came to know about the killing by strangulation and also the cremation, which followed the FIR.

4. Learned counsel for the petitioner submits that it was a case of suicide as there was regular quarrel between the



couple. A daughter was also born out of the wedlock and the fault on the part of this petitioner is that after she committed suicide, the mortal remains were consigned to flames immediately thereafter for which he has already suffered by being in custody since 24.08.2023 though as per the learned Session Judge, he was arrested on 03.12.2023.

5. In this case, a coordinate Bench had called for the case diary which is on record and as per paragraph-53, he was actually arrested on 24.08.2023.

6. Further, paragraphs 44 and 45 discuss about the two witnesses/villagers according to which, the couple used to quarrel and on the fateful day, they heard about the lady committing suicide.

7. Learned APP on the other hand submits that the petitioner being the husband cannot exonerate himself of the accusation and further charges have already been framed.

8. Taking into account the aforesaid submissions as also the fact that some of the witnesses have made statement otherwise to what has been alleged in the FIR, the trial is going on and as per the undertaking of the petitioner, he shall be diligently appearing in it, he do not have criminal antecedent and has remained in custody since 24.08.2023 (as per



paragraph-52 of the case diary), this Court is inclined to extend him the privilege of bail with conditions.

9. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned 1st Addl. District & Sessions Judge, Jehanabad, in connection with Pali P.S. Case No. 87 of 2023 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/her 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 his bail bonds.

10. The petitioner is duty bound to appear on each and



every date failing which appropriate steps can be taken for
cancellation of his bail bond.

11. Nothing recorded in this order shall be taken into
account for the consideration of trial as it has been averred only
taking into account the bail that has been granted to the
petitioner.

(Rajiv Roy, J)

Adnan/-

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