

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22955 of 2024

Arising Out of PS. Case No.-182 Year-2020 Thana- DHANAHA District- West Champaran

Subhash Yadav @ Subhas Yadav S/o- Bunnilal Yadav @ Bunni Lal Yadav
Village- Baira Bazar Tola, Mushahari, Police Station-Dhanaha, District- West
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1, Adv.

For the Opposite Party/s : Mr. Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 23-08-2024 Heard the parties.

2. The petitioner is in custody in connection with Sessions Trial No. 73 of 2021 arising out of Dhanaha P.S. Case No. 182 of 2020 for the offence punishable under sections 302, 201, 341, 323, 324, 307 and 34 of the Indian Penal Code lodged on 30.07.2020 by the informant, Indu Devi.

3. As per the allegation in the FIR, the marriage of the deceased was solemnized with this petitioner and it is alleged that there was demand of dowry and due to non-payment, they had threatened that the informant can never meet her. On the fateful day, 29.07.2020, the informant visited his daughter's house and came to know that she has been killed and the dead body has also been disappeared. The further allegation is that the



informant's relative were also assaulted when they came to inquire about the matter.

4. Earlier, the bail application of the petitioner was rejected vide Cr. Misc. no. 27131 of 2022 on 23.08.2022 (Annexure P-1 to the petition) and this is his second attempt.

5. Learned counsel for the petitioner submits that he has remained in custody from 09.08.2020 (para 8 of the petition) and the fact remains that in the trial, one witness appeared/was examined, thereafter he never came forward to be cross-examined, so is the condition of the other witnesses who have never shown their attendance.

6. Learned APP opposes the prayer for bail submitting that he is the husband and allegation is of killing the wife.

7. In that background, report was sought for and vide letter no. 44 dated 20.07.2024, the learned Additional Sessions Judge IV, Bagha, West Champaran has submitted its report and according to it, out of five witnesses, one Harindra Yadav was partially examined on 15.02.2023 and since then, despite issuance of non-bailable warrant, no other witness has appeared.

8. Taking into account the aforesaid facts as also that he has already suffered by being in custody since 09.08.2020, has given an undertaking that he will be diligently appearing in



trial, do not have criminal antecedent and there is delay in conclusion of the trial, this Court is inclined to extend him the privilege of bail with conditions.

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 Additional Sessions Judge 1st, Bagha, West Champaran in connection with Dhanaha P.S. Case No. 182 of 2020 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.

(Rajiv Roy, J)

Vijay Singh/-

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