

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40767 of 2024**

Arising Out of PS. Case No.-232 Year-2023 Thana- RAHUI District- Nalanda

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Vinod Yadav SON OF LATE SIDHESHWAR YADAV RESIDENT OF
VILLAGE - KHAJE ETWAR SARAI, P.S.- RAHUI (BHAGAN BIGAHA),
DISTRICT- NALANDA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Ranjan, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 20-11-2024 Heard the parties.

2. The petitioner is in custody in connection with Rahui (Bhagan Bigahas) P.S. Case No. 232 of 2023 for the offence punishable under sections 302 and 34 of the Indian Penal Code lodged on 06.06.2023 by the informant, Punam Kumari.

3. As per the prosecution story, the informant who is the daughter of the petitioner alleged that she was at her maternal grandmother's home when her brother informed her that the father and the family members have killed the mother. She rushed to the place of occurrence and lodged the FIR.

4. Learned counsel for the petitioner submits that he was working in the ice-cream factory, was not even present at the place of occurrence, the wife committed suicide but his own daughter made allegation which led to his being in judicial custody since 19.06.2023 (paragraph-16 of the petition) and



have no criminal antecedent. He further submits that a perusal of the FIR would show that the girl has narrated that she has done to death with bricks/stones but no such injury has been found on the person of the deceased rather, the postmortem report records the same as asphyxia due to hanging which clearly shows that she committed suicide.

5. In this case, case diary was called for and learned APP has taken this Court to the different paragraphs to show that there was a rumor that the lady was having illicit relationship which may have infuriated the husband (the petitioner herein) which led to her killing.

6. Having gone through the facts of the case, the submissions of the parties and the postmortem report which records the cause of death as asphyxia due to hanging, the postmortem report does not corroborate with the statement made by the girl in the FIR, he has remained in custody since 19.06.2023, having no criminal antecedent and as undertaken, he shall be diligently appearing in trial without fail, in that background, this Court is inclined to extend him the privilege of bail with conditions.

7. 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 ACJM-1st, Nalanda (Bihar Sharif), in connection with Rahui (Bhagan Bigahas) P.S. Case No. 232 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.

(Rajiv Roy, J)

Adnan/-

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