

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58634 of 2024

Arising Out of PS. Case No.-30 Year-2024 Thana- HASANPUR District- Samastipur

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Pappu Yadav @ Pappu Kumar Yadav Son of Sulendra Yadav @ Surendra
Yadav R/V- VILLAGE- KOKANI, P.S.- HASANPUR, DISTT.-
SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Akela, Adv.

For the Opposite Party/s : Mr. Shyam Bihari Singh

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 22-11-2024 Heard Mr. Ramakant Akela, learned counsel for the

petitioner and Mr. Jitendra Kumar Singh, learned APP.

2. The petitioner is in custody in connection with
Hasanpur P.S. Case No. 30 of 2024 for the offence punishable
under sections 498-A, 304B, 201 and 34 of the Indian Penal
Code lodged on 17.03.2024 by the informant, Kiran Devi.

3. As per the prosecution story, the informant alleged
that the victim was married to Pappu Yadav (petitioner herein)
ten months ago but was always tortured for dowry and on
16.03.2024, under conspiracy, she was killed and body
disappeared. While, it was being cremated, information came
and they reached there, whereafter the cremation was stopped.
The police came and recovered half burnt body. Thus followed
the post-mortem and the FIR.

4. It is the case of the petitioner that though he is the
husband, at the time of the occurrence, he was in Hoshiyarpur,



Punjab for his livelihood and only parents were there, upon knowledge, he came and thereafter, is in judicial custody since 27.04.2024 (para 20 of the petition) i.e. immediately after the occurrence and has no criminal antecedent. Further, if granted bail, he shall be diligently appearing in trial.

5. Learned APP opposes the prayer submitting that he is the husband and as such, his role cannot be ignored.

6. In this case, case diary was called for and independent witnesses have recorded their statements in paragraphs 84 and 85 in which they claimed that the lady committed suicide and further at that time, the petitioner as also his elder brother were not at home when the occurrence took place.

7. Though there are some differences in the case inasmuch as the statements of the independent witnesses have stated that they found the body hanging from the ceiling, the post-mortem report talks of poison, so far as this petitioner is concerned, considering the statements made by the locals that at the time of occurrence, he was not present at home, is in custody since 27.04.2024 having no criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

8. 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 A.C.J.M.-IV, Rosera, Samastipur in connection with Hasanpur P.S. Case No. 30 of 2024 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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