

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.62652 of 2024**

Arising Out of PS. Case No.-126 Year-2024 Thana- ITARHI District- Buxar

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Pramod @ Pramod Yadav, S/o Rama Shankar @ Ramashankar Yadav, R/o  
Village- Khanita, P.S.- Itarhi, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

|                          |   |                                                       |
|--------------------------|---|-------------------------------------------------------|
| For the Petitioner/s     | : | Mr. N.K. Agarwal, Sr. Adv.<br>Ms. Dimpal Kumari, Adv. |
| For the Opposite Party/s | : | Mr. Anil Prasad Singh, APP                            |
| For the Informant/s      | : | Mr. Anand Kumar Ojha, Adv.                            |

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

3      20-11-2024                      Heard Mr. N.K. Agarwal, learned Senior Advocate  
  
for the petitioner and Mr. Anil Prasad Singh, learned Additional  
  
Public Prosecutor for the State. The informant is represented by  
  
Mr. Anand Kumar Ojha, learned Advocate.

2. The petitioner seeks regular bail, who is in custody  
  
in connection with Itarhi P.S. Case No. 126 of 2024 registered  
  
for the offence punishable under Section 302/34 of the Indian  
  
Penal Code.

3. Allegedly, while the husband of the informant was  
  
sleeping outside the house, the father-in-law of the informant  
  
raised an alarm that blood is oozing from the head of the  
  
husband of the informant. On hearing alarm, the informant came  
  
out and saw that some people were assembled there and her



husband was lying dead. His head was crushed with a sharp weapon or iron rod. It is further alleged that prior to few days of the occurrence, her neighbours Ramashankar, Pramod (petitioner) and Ajay had an altercation with the deceased for constructing Chhaja and they also threatened him with dire consequences.

4. Learned Senior Advocate for the petitioner contended that from the narration of the FIR, it clearly suggests that the informant is not an eyewitness to the alleged occurrence. In fact, none of the family members have seen the alleged occurrence and only suspicion has been raised on account of previous enmity. Barring enmity, there is no material suggesting complicity of the petitioner in the present crime. During the course of investigation, the informant has improved her version when her statement was recorded by the police, where she stated that after the alleged occurrence, she saw that the accused persons, including the petitioner were fleeing from the place of occurrence. It is lastly contended that now the investigation of the crime is complete and the charge-sheet has been submitted. Moreover, the petitioner has been incarcerated since 01.07.2024 having fair antecedent.

5. On the other hand, learned APP for the State as well



as learned Advocate for the informant vehemently opposed the bail application and submitted that the motive of causing death to the husband of the informant is writ large, as earlier on account of altercation with the deceased, the petitioner and his brother killed his goat and also threatened with dire consequences.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that there is no eyewitness to the alleged occurrence and barring suspicion, there is no material suggesting complicity of the petitioner in the present crime, coupled with the fair antecedent and the investigation of the crime is complete, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Buxar in connection with Itarhi P.S. Case No. 126 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.



(iii) He will not try to tamper with the evidence or  
intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates  
without any cogent reason, his bail bonds will liable to be  
cancelled.

**(Harish Kumar, J)**

rohit/-

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