

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62162 of 2023

Arising Out of PS. Case No.-174 Year-2018 Thana- SALAKHUA District- Saharsa

AMAR YADAV @ AMARJIT KUMAR SON OF LATE BRAHAMDEO
YADAV@ DOMI YADAV RESIDENT OF VILLAGE -KAJHI, PS-
SALAKHUA, DISTT- SAHARSA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No 13

For the Opposite Party/s : Mr.Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 05-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
S.Tr. No. 187 of 2019/75 of 2023 arising out of Salakhua P.S.
Case No. 174 of 2018 registered for the offences punishable
under Sections 498(A), 364, 365/34 of the IPC and subsequently
added Sections 304(B), 302 and 201 of the IPC.

3. As per prosecution case, informant's daughter's
marriage was solemnized with the petitioner. It is alleged that on
account of non-fulfillment of demand of dowry, petitioner and
other attempted to administer a poisonous sweet to his daughter.
The informant's daughter managed to escape, seeking refuge at
her cousin mother-in-law's house, and subsequently became



traceless from there. It is further alleged that when 15 days elapsed with no information about the victim's whereabouts, the informant filed the case.

4. Learned counsel for the petitioner submits that petitioner is in custody since 19.01.2023 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is quite innocent and has committed no offence as alleged in the FIR. Petitioner has falsely been implicated in the case because he is husband of the victim (deceased). It has further been submitted that petitioner and other are alleged to have given poisonous sweets but daughter of the informant did not consume it and fled away to the house of cousin mother-in-law from where she is traceless. Learned counsel further submits that during the course of investigation, the police recovered some pieces of bangles bones of unknown person but the F.S.L. report does not determine the age and sex of the decomposed body. Learned counsel further submits that during the course of trial prosecution witnesses examined in this case have not supported the prosecution case rather the informant had deposed that his daughter was mentally ill and used to fled away. He further



submits that P.W. 6 and P.W. 7 who is informant and his wife respectively have not supported the case of prosecution though the whole prosecution story is based on the basis of statement given by the informant who is father of the victim. He further submits that both the witnesses have clearly stated that no grievance remains against petitioner and other.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that petitioner is husband of the deceased. He further submits that during the course of investigation, it has not been pointed out whether the dead body belongs to male, female or animal.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III, Saharsa in connection with S.Tr. No. 187 of 2019/75 of 2023 arising out of Salakhua P.S. Case No. 174 of 2018,



subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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