

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66889 of 2024

Arising Out of PS. Case No.-453 Year-2024 Thana- MOHANIYA District- Kaimur (Bhabua)

Ajay Kumar Yadav @ Prashant Kumar Yadav, S/o Dashrath Yadav, Resident
of Village- Chitwanpur PS- Nuan, District- Kaimur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Advocate

Mr. Ritwik Thakur, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 26-10-2024 Heard the parties.

2. The petitioner seeks regular bail, who is in custody in connection with Mohania P.S. Case No. 453 of 2024 registered for the offence punishable under Section 103(1) of the Bhartiya Nyay Sanhita, 2024.

3. Based upon the written report, the prosecution alleges that the marriage of the sister of the informant was solemnized with the petitioner. For the last, two years, the petitioner had allegedly developed relationship with a girl of neighbouring village and because of such reason he used to assault and torture his wife. On 19.07.2024, the petitioner came at Mohania and on 20.07.2024, he throttled the deceased and hanged form the fan.



4. Learned Advocate for the petitioner contended that the marriage was solemnized in the year 2016; the F.I.R. clearly suggests that initially there had been good relationship and the couple blessed with two children. In fact, at Mohania the deceased was living along with her two children, apart from other two children of her brother-in-law for the purpose of their study, but during the course of investigation the statement of none of the children has not been recorded, this cast serious doubt over the prosecution case. It is further contended that the death is alleged to have been caused on 20.07.2024, however, on the said date the petitioner had appeared in the Mathematics Compartmental Examination at G.G. Inter College, Gajipur, Uttar Pradesh. Prima facie, it appears that on account of some trifle, the deceased committed suicide. However, taking advantage of the fact that the petitioner had come on leave from the Armed Forces, his name has been implicated in this case only on suspicion. It is further contended that post-mortem report also suggests that there is no external injury over the body of the deceased. However, it has come that the deceased died on account of Asphyxia by throttling, which is a subject matter of trial. It is lastly contended that the petitioner has been serving Armed Forces and now he has been incarcerated since



21.07.2024. The investigation of the crime is complete and charge-sheet has been submitted.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the deceased died on account of throttling and the presence of the petitioner shows his complicity in the crime.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the statement of the children were not recorded by the police, who may very well reveal the real picture of the crime, coupled with the fact that there was no external injury over the body of the deceased 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/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Mohania, Kaimur in connection with Mohania P.S. Case No. 453 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 shall ensure his presence before the



jurisdictional court as and when required.

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

(iv) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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