

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77582 of 2023

Arising Out of PS. Case No.-276 Year-2023 Thana- KAHALGAON District- Bhagalpur

Tuntun Yadav @ Tuntun Kumar, Son Of Mohan Yadav Resident Of Village-
Ogri, Ward No.- 09, P.S.- Kahalgaon, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ambrish Kumar Jha, Advocate Ms. Shashi Priya Pathak, Advocate
For the Opposite Party/s	:	Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 05-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Kahalgaon P.S. Case No. 276 of 2023, registered for the alleged offence under Section 306 of the Indian Penal Code.

03. As per prosecution case, wife of the petitioner consumed poison due to some dispute with the petitioner and during treatment, she died.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case merely on suspicion. Prior to the said occurrence there was no allegation of ill treatment of the deceased against the



petitioner. Immediately after coming to know about the condition of the daughter of the informant, the petitioner got her admitted in nearby hospital and thereafter brought her to Bhagalpur for better treatment when her condition deteriorated. The petitioner also informed his in-laws and called them after the unfortunate incident. The petitioner did everything to save the life of his wife but he could not succeed. From the FIR it is apparent that no offence under Section 306 of the IPC is made out under the facts and circumstances of the case. The petitioner has got no criminal history.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail. Learned APP submits that the wife of the petitioner died due to his instigation by consuming poison.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the absence of substantive material against the petitioner and further considering the vague nature of allegation and possibility of false accusation, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the



satisfaction of learned Chief Judicial Magistrate, Bhagalpur/concerned court in connection with Kahalgaon P.S. Case No. 276 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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