

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82551 of 2023

Arising Out of PS. Case No.-43 Year-2023 Thana- SUIYA District- Banka

NITISH KUMAR YADAV SON OF TAPESHWAR YADAV R/O VILLAGE-
BHADARIYA, P.S.- SUIYA, DIST.- BANKA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad, Adv.

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 19-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Suiya P.S. Case No.43 of 2023 lodged under Sections 304B and
34 of the I.P.C.

3. As per the prosecution case, the F.I.R. has been
lodged against five named accused persons including the
petitioner against whom there is allegation that they have killed
the grand daughter of the informant due to non-fulfilling the
demand of dowry.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that the petitioner is unfortunate husband who is in custody
since 16.06.2023 having clean antecedent.



5. Counsel further submits that case diary has been called for and in the case diary, it has come by the mouth of the independent witness that the petitioner went to Kolkata for doing labour work and his other two brothers were also not available as they were working in Delhi and only mother-in-law and father-in-law used to reside in the house.

6. Counsel further submits that it is a case of suicide and not murder. He submits that charge-sheet has already been filed in this case.

7. Learned counsel for the State opposes the prayer for bail and submits that FSL report has been called for. From the FSL report, it is clear that poison has not been detected from the body of the deceased. He further submits that it is a case lodged under sections 304B and 34 of the I.P.C.

8. Upon specific query whether charge has been framed or not. Counsel submits that he is not aware about framing of charge.

9. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **6 months after framing of charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to



the satisfaction of learned C.J.M., Banka in connection with
Suiya P.S. Case No.43 of 2023, subject to the following
conditions as laid down under Section 437(3) of Cr.P.C.

(Dr. Anshuman, J.)

Prakashmani/-

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