

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86191 of 2023

Arising Out of PS. Case No.-473 Year-2023 Thana- NARPATGANJ District- Araria

Dipak Kumar Yadav Son Of Mr. Udyanand Yadav Resident Of Village -
Fatehpur, P.S. - Narpatganj, District - Araria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Thakur, Advocate Ms. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate
For the Opposite Party/s :		Dr. Ajeet Kumar, APP
For the Informant	:	Mr. Sadashiv Tiwari, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 4 09-04-2024 1. Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.
2. The petitioner has preferred this application for
grant of regular bail in connection with Narpatganj P.S. Case no.
473 of 2023 registered under sections 302 and 201 of the Indian
Penal Code.
3. As per the prosecution case, the informant states
that her husband informed her that he was going with Deepak,
the petitioner herein. Subsequently a call was received asking
her brother-in-law to transfer a sum of Rs. 5,000 on the phone of
her husband which was sent. Once again another call came
stating that only Rs. 500 had been received on the phone.



Thereafter the call was disconnected and the informant was not able to contact her husband inspite of all attempts. It is further stated that subsequently the dead body of her husband was recovered by the side of the bridge/road. His mobile phone and his vehicle were near his dead body. Information was given to the police station and the body was sent for postmortem examination.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. There is no eyewitness to the petitioner having committed any offence. The only material that has transpired in course of investigation is the allegation in the F.I.R that the husband of the informant had gone with this petitioner. In fact charge-sheet was submitted under section 304A of the Indian Penal Code. The cause of death in the postmortem report is said to be asphyxia as a result of drowning. The petitioner is in custody since 29.8.2023 and trial has commenced in the learned trial Court. The petitioner undertakes to cooperate in the trial.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant. Learned counsel for the informant submits that the petitioner is named in the F.I.R. There being substantial material against him that the



husband of the informant had gone with the petitioner herein and thereafter was found murdered. It is further submitted that so far as the inquest is concerned, it has transpired in column 8 thereof that there is a gun shot injury in his head. It is further submitted that the trial has commenced and three witnesses have been examined on behalf of prosecution.

6. Having heard learned counsel for the parties and taking into consideration there being no eyewitness to the alleged occurrence, the postmortem report of the deceased showing the cause of death to be asphyxia as a result of drowning together with the petitioner having been remained in custody for more than 7 months since 29.8.2023 and trial having commenced in the learned trial Court, the petitioner is directed to be enlarged on bail in connection with Narpatganj P.S. Case no. 473 of 2023, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria on the following conditions:-

(1) The petitioner shall remain physically present in court on each date of the trial and shall cooperate in the trial.

(2) In case the petitioner is absent on any date for reasons not to the satisfaction of the learned trial Court or the



learned trial Court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the learned trial Court may cancel the bail bond of the petitioner and take him into the custody till conclusion of the trial.

(Partha Sarthy, J)

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