

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27489 of 2025

Arising Out of PS. Case No.-315 Year-2024 Thana- BELHAR District- Banka

Kapil Yadav S/o- Ashok Yadav @ Ashok Kumar Resident Of Village-
Chiraiyadih, Ps- Belhar, Dist- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 06-08-2025 Heard Mr. Praveen Kumar, learned counsel
appearing on behalf of the petitioner and Mr. Anil Kumar
Singh No. 1, learned APP for the State.

2. Petitioner seeks regular bail in connection with
Belhar P.S. Case No. 315 of 2024 registered for the offences
punishable under Sections 80(2),3(5) of the BNS.

3. As per the allegation made in the FIR, the
petitioner, who is husband of the deceased, along with other
family members committed murder of the daughter of the
informant.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is in custody since
07.12.2024 in spite of the fact that he is innocent. The deceased
has herself consumed poison and thereafter the petitioner had



taken her for treatment where she died. On mere suspicion, the petitioner has been made accused in the present case. False implication is also evident from the statement of one witness recorded in paragraph no.9 of the case diary. He further submitted that there is every likelihood that petitioner, who is having clean antecedent, will be acquitted in the trial.

5. Learned APP appearing for the State opposes the bail prayer. He submitted that material has come against the petitioner in course of investigation and there are witness who have supported the prosecution story.

6. Having considered the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the FIR and the material which has come in course of investigation, I find that the allegation is not supported by the witnesses, who have been examined in course of investigation. The petitioner has made out a case that there is every likelihood that petitioner, who is having clean antecedent, will be acquitted in the trial. The learned District Court is directed to release the petitioner, above named, on bail upon furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Belhar P.S. Case



No. 315 of 2024 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(v) The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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