

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33591 of 2025

Arising Out of PS. Case No.-34 Year-2024 Thana- NTPC District- Bhagalpur

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Akash Kumar @ Akash Yadav son of Wakil Yadav R/o - village- Ogari Ps-
Kahalgaon, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 06-08-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
N.T.P.C. P.S. Case No. 34 of 2024 dated 14.10.2024, instituted
for the offence punishable under Sections 103(1) of the
Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case, in short, is that the informant
was informed by the brother in-law (bhaisur) of the his daughter
that his daughter is seriously ill. After ten minutes, the Devar of
his daughter called him and told that her daughter is no more. It
is alleged by the informant that petitioner has killed his
daughter.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this



case. It is further submitted that petitioner is the husband of deceased. The F.I.R. has been lodged against the petitioner for the offences punishable under Section 103(1) but cognizance has been taken under 80, 3(5) of the B.N.S., 2023. The allegation of assault against the petitioner is not supported as no injury was found in post-mortem examination. There was no external injury found on the body of deceased in the post-mortem report. The F.S.L. report reveals that Aluminium Phosphide (Celphos) is found Viscera. Learned counsel further submitted that daughter of informant committed suicide by consuming the said Aluminium Phosphide. It is next stated that petitioner solemnized marriage with the daughter of informant (deceased) on 05.11.2017 and two children were born out of wedlock whose responsibility is on the petitioner. Lastly, it has been submitted that the petitioner is in custody since 15.10.2024, he has no criminal antecedents and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of



Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate VIII, Bhagalpur in N.T.P.C. P.S. Case No. 34 of 2024, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

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

(Khatim Reza, J)

Sankalp/-

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