

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33255 of 2025

Arising Out of PS. Case No.-104 Year-2022 Thana- BATH District- Bhagalpur

Mithlesh Yadav @ Kare Yadav @ Mithlesh Kumar @ Karelal Yadav S/O
Domi yadav R/O Village- Didayalpur, P.S- Bath, Distt.- Bhagalpur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Pravina Kumari, Adv.

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 13-08-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Bath P.S. Case No. 104 of 2022, registered for the offences under Sections 304(B), 328, 34 of the Indian Penal Code.

3. As per the prosecution case, daughter of the informant was married with co-accused Mukesh Yadav and allegation against the petitioner and other co-accused persons is that they killed the daughter of the informant by administering her poison. The in-laws of the deceased had been demanding Rs. 1 lakh and one motorcycle in dowry and had been torturing the deceased.

4. Learned counsel appearing on behalf of the



petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is younger brother of the husband of the deceased and he has not committed an offence. From the FIR it is also clear that the allegation against the petitioner and his two brothers is that of conspiring together and sisters-in-law and parents-in-law killing the daughter of the informant. There is no material to show the involvement of the present petitioner. The FSL report shows that Aluminium Phospide (Celphos) was found in viscera and it appears the daughter of the informant committed suicide by consuming this poison. The petitioner is in custody since 17.10.2023 and charge sheet has been submitted. Further the Additional Sessions Judge order has wrongly mentioned the custody date in 2nd para as 17.10.2024 which is not correct. Learned counsel further submits that other similarly situated coaccused persons namely Soni Kumari, Somi Yadav have been granted bail by a Co-ordinate Bench of this Court vide order dated 21.07.2023 in Cr. Misc. No. 40467 of 2023 and co-accused Rekha Devi & Mukesh Yadav have been granted bail vide order dated 30.08.2024 in Cr. Misc. No. 22910 of 2024.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner.



6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the general and vague nature of allegation and relationship of the petitioner with the deceased and further considering period of custody and submission of charge sheet and grant of bail to other co-accused persons, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-XVII, Bhagalpur/concerned court, in connection with Bath P.S. Case No. 104 of 2022, subject to the condition laid down under Section 480(3) of the BNSS 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.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the



petitioner will be liable to be cancelled
by the court concerned.

(Arun Kumar Jha, J)

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