

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44883 of 2025

Arising Out of PS. Case No.-39 Year-2025 Thana- Baijnathpur District- Saharsa

Subhash Kumar S/o Abhinandan Yadav Resident of Village- Gamhariya,
Ward No 11, P.S.- Baijnathpur, District- Saharsa, Bihar- 852221

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shekhar Kumar Singh

For the Opposite Party/s : Mr.Choubey Jawahar

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 30-07-2025 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Baijnathpur P.S. Case No. 39/2025 dated 26.03.2025 registered for the offence punishable u/s 103 and 3(5) of the B.N.S.

3. As per the prosecution case, the petitioner and the co-accused persons came to the house of the informant and took her husband by motorcycle to the maize feild 300 metres west of the canal from the Saur Bazar Bye-pass road and due to old enmity the petitioner and the co-accused persons alongwith Vikash Kumar Vidhyarthi and 3-4 unknown miscreants assaulted her husband and then all of them tied his hands and



foot with rope and also wrapped rope around his neck and pulled it from both sides with an intention to kill him and twisted his neck and killed her husband Shankar Yadav.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. Learned counsel has submitted that the co-accused Vikash Kumar Vidyarthi had threatened to kill her and her husband and he had falsely implicated the informant and her husband in Beldour P.S. Case No. 80/2025. The petitioner has one antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 27.03.2025.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner. As per the post-mortem report, the cause of death is due to asphyxia as a result of strangulation. It is further submitted that the petitioner and the co-accused persons called the informant's husband from his house and later on the informant's husband was found dead.

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of offence against the petitioner, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Baijnathpur P.S.



Case No. 39/2025 pending in the court of learned J.M., Saharsa.

7. This application stands rejected and learned court below is directed to conclude the trial of the petitioner at the earliest.

(Chandra Prakash Singh, J)

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