

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52251 of 2025

Arising Out of PS. Case No.-214 Year-2020 Thana- CHAKAI District- Jamui

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Fuldeo Yadav S/O Rameshwar Yadav R/O Village- Baksila Tola Naiyadh,
P.S.- Chakai, Dist.- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Dr.Mrityunjaya Kr.Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 12-12-2025 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in a case registered for the
offences punishable under Sections 302, 328 and 120B of the
Indian Penal Code.

3. Learned counsel for the petitioner submits that the
petitioner has antecedent of one case and is in custody since 20-
12-2022. It is next submitted that informant (brother-in-law of
the petitioner) alleges that his sister was married to the
petitioner in the year 2009, further after marriage the accused
persons including the petitioner used to torture her. It is next
alleged that petitioner was in an extramarital relation with his
sister-in-law (bhabhi) and the relationship was objected by the
deceased on account of which the deceased was tortured by the



petitioner and her family members including the other accused persons. It is further alleged that after marriage, his sister was not conceiving, as such the informant got her treated and thereafter she conceived and a child was born in the year 2020, after the child was born, still the torture continued, accordingly the informant along with his relatives had gone to meet the victim and the child when Sunita brought tea for them and thereafter brought another cup of tea and gave it to the victim, who after consuming became restless, when all the accused persons took her inside the house, as such the informant and his relatives, who had come to visit her, were not in a position to do anything and later his sister died, as such it is alleged that the accused persons including the petitioner in conspiracy killed his sister by poison.

4. Learned counsel for the petitioner submits that marriage of the petitioner with the deceased was performed in the year 2009 and the instant case came to be instituted in the year 2020, though in the FIR it is alleged that petitioner was having an extramarital relationship with his sister-in-law, on account of which the petitioner along with his family members were torturing the victim, but then no case ever came to be instituted against him or any other family members with the said



allegations. It is next submitted that from perusal of the allegations as alleged in the FIR, it would manifest that the informant does not even remotely allege that when he along with his relatives came to meet the victim, the petitioner was also present there. It is further submitted that specific allegation of giving tea to the victim is against Sunita Devi. It is also submitted that Sunita Devi had approached this Court seeking regular bail by filing Cr. Misc No. 82502 of 2024 and the same came to be allowed by a learned Co-Ordinate Bench. It is next submitted that the case of the petitioner is on a better footing. It is further submitted that the case was taken up on 30-7-2025 by a learned Co-ordinate Bench, when a report was called for from the learned trial court with regard to the stage of the trial and from perusal of the status report furnished by the learned trial court, it would manifest that same records that all together there are 10 witnesses, out of whom two witnesses were examined and rest 8 witnesses are still to be examined and despite best endeavours of the Court, the prosecution is not producing the witnesses for examination. It is reiterated and submitted that in 11 years of marriage, no case ever came to be instituted alleging that petitioner was in extramarital relation with his bhabhi, it was only after the unfortunate occurrence took place, the



petitioner came to be implicated. It is also submitted that in the event of acquittal of the petitioner in the trial, how his period of incarceration be compensated, but if petitioner is convicted, he will serve the sentence. It is next submitted petitioner will not abscond rather will co-operate in the trial to prove his innocence.

5. Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the submission made by learned counsel for the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Chakai P.S. Case No. 214 of 2020.

7. However, it is made clear that if the learned trial court comes to a conclusion that the petitioner after his release is trying to delay the trial in any manner, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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