

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60705 of 2025

Arising Out of PS. Case No.-55 Year-2025 Thana- PARBATTa District- Bhagalpur

Dipak Kumar @ Diwana Yadav S/o- Gainu Yadav @ Gauni Yadav Village-
Kanki Tola Ps- Parbatta Dist- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 09-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Parbatta P.S. Case No. 55 of 2025 registered for the alleged offences under Sections 103, 3(5) of Bharatiya Nyaya Sanhita, 2023.

03. As per prosecution case, the wife of the informant did not return after she went to bring grass from the land of one Gainu Yadav. Later on, her dead body was recovered and it was found that her neck was slit with some sharp weapon. The informant named the petitioner and other co-accused persons for being involved in the murder of his wife as this petitioner assaulted the wife of the informant two years back and FIR was lodged for the said occurrence.



04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The informant is not an eye witness and merely on suspicion, he named the petitioner and other co-accused for being involved in the murder of his wife. There is no eye witness to support the prosecution case and the witnesses examined during investigation are all related to the informant and for this reason, they have supported his case. Learned counsel further submits that from the inquest report, it appears that the dead body was lying at the *basa* of the informant and the inquest report was not prepared at the place where as stated by the informant the dead body was lying. During investigation, nothing cogent has come up against the petitioner for showing his complicity in the alleged occurrence. The petitioner is having antecedent of three cases and he is on bail in all those cases. The petitioner is in custody since 10.04.2025 and charge-sheet has been submitted.

05. Learned APP for the State opposes the submission made on behalf of the petitioner. Learned APP submits that there is specific allegation against the petitioner and other co-accused persons that they were involved in killing of the wife of the informant.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



vague and doubtful nature of allegation against the petitioner and further considering the lack of substantive material against the petitioner and also considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Naugachia, Bhagalpur/court concerned in connection with Parbatta P.S. Case No. 55 of 2025, subject to the conditions mentioned in Section 480(3) of BNSS and the 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.
- (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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