

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59485 of 2025

Arising Out of PS. Case No.-531 Year-2023 Thana- AMARPUR District- Banka

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Avishek Kumar Yadav @ Abhishek Kumar Yadav @ Abhishek Kumar S/O
Vindeshwari Yadav Resident of Vill.- Hathiya Dara, P.S.- Belhar, Dist.- Banka

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey

For the Opposite Party/s : Mr.Binod Kumar

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

ORAL ORDER

2 14-11-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Amarpur
P.S. Case No. 531 of 2023 dated 23.07.2023 registered for the
offences punishable under Sections 302 and 201/34 of the I.P.C.

3. As per the prosecution case, on 23.07.2023 the
informant got information that her husband has been murdered and
his dead body was near *Dhodha Channel*. On the information, she
went there and identified the dead body with the sign of injury on
the neck. Her husband went out on 22.07.2023 at about 7.00 P.M.
on his motorcycle. In the morning, she got information about the
murder. Her husband had illicit relationship with the co-accused
Anita Devi. Prior to the occurrence, her husband was assaulted
many times and threatened to murder by the accused persons.



Lastly, she claimed that her husband was murdered by the co-accused Anita Devi and her relatives and hanged on a tree to hide the dead body.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is not named in the F.I.R. His name has come in the present case during the course of investigation on the re-statement of the informant. There is no eye witness to the alleged occurrence. Similarly situated co-accused has already been granted bail by this court vide order dated 31.07.2024 passed in Cr. Misc. No. 16487 of 2024. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 19.05.2025.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the bail petition of the petitioner. Learned counsel for the informant by filing a counter affidavit on behalf of the informant has submitted that the husband of the informant late Abhishek Kumar Anand had already filed a Informatory Petition bearing Case No. 493 of 2022 before the court of learned of C.J.M., Banka, alleging harassment against the petitioner and the other co-accused persons only for grabbing money and his property and when they got failed in doing so, the petitioner and the other co-accused persons in a very planned



manner brutally killed the husband of the informant.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Banka in connection with Amarpur P.S. Case No. 531 of 2023 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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