

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81651 of 2024

Arising Out of PS. Case No.-436 Year-2022 Thana- NARPATGANJ District- Araria

Pawan Yadav Son of Umesh Yadav R/O Village- Fatehpur, Police Station-
Narpatganj, District- Araria

... .. Petitioner

Versus

The State of Bihar

.. ... Opposite Party

Appearance :

For the Petitioner : Mr.Kundan Kumar Singh, Advocate

For the Opposite Party : Mr.Anand Kishore Choudhary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 4 03-04-2025 Heard learned counsel for the petitioner and the State.
2. The petitioner apprehends arrest in a case registered for the offence punishable under sections 302/34 of the Indian Penal Code.
3. As per the prosecution case, informant and his elder son work as labour in Punjab and his wife and two younger children reside at home. He alleged that on 23.09.22 at 1.30 am his neighbour namely Umesh Yadav started to ransack his house, which was protested by his wife. Thereafter, co-accused Umesh Yadav abused and assaulted her. In the meantime, other accused Nirmala Devi, Pawan Yadav (the petitioner), Suman Kumar, Kajal persons, namely, Kumari, Bijali Kumari, Shailendra Yadav and Pramila Devi also came and started assaulting his wife by Lathi, Danda, fist and leg. It is also alleged that all the accused persons entered house of the informant and assaulted his wife and tied her neck with a rope and hanged her. When his children shouted, accused fled away leaving the dead body. Neighbours informed him and then he came back from Punjab and informed police on 25.09.22 and thereafter body was sent for postmortem and after performing last rites, he submitted application to police on 28.9.2022.
4. Learned counsel appearing for the petitioner



submits that the petitioner is innocent and has falsely been implicated in this case. Informant is not eye witness of the occurrence. F.I.R. has been lodged after delay of eight days without any explanation which renders the entire prosecution case doubtful. Post mortem report does not reveal any external injury and cause of death has been indicated as asphyxia. As a matter of fact, wife of informant committed suicide and taking advantage of situation, the petitioner along with his family members, who are agnate of the informant, has been roped in this false and concocted case. Co-accused Nirmala Devi with similar allegation, has already been allowed bail by this Court vide order passed in Cr.Mis.No.86323/2023. Petitioner claims clean antecedent.

5. Learned counsel for the State opposes the prayer for bail.

6. Considering the aforesaid facts of the case, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within eight weeks from today, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Araria or his successor in Narpatganj Police Station Case No. 436 of 2022, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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