

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77506 of 2024

Arising Out of PS. Case No.-93 Year-2023 Thana- KALUAHI District- Madhubani

Miteshwar Yadav @ Miliyan Yadav @ Miliyan S/o Late Kameshwar Yadav
R/o Village- Pursauliya, P.S.- Kaluahi, District-Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 24-01-2025 Heard learned counsel for the petitioner and Mr. Rana
Randhir Singh, learned APP for the State.

2. The petitioner has prayed for bail in a case registered
for the offence punishable under Sections 364, 302, 201 and
120(B) of the Indian Penal Code.

3. The case of the prosecution is that the husband of the
informant has died due to illness and after that her father-in-law
was looking after her and her family. On 05.05.2023 at 03:00 P.M.,
father-in-law of the informant, namely, Ram Tahal Purbey
(deceased) went for Ganesh Chowk and when he did not return till
10:00 P.M., the informant called him on his mobile number but the
call was not received. She could not find her father-in-law till the
evening of 07.05.2023. On 08.05.2023, some villagers found the
dead body. When the informant went there she found that the face



and chest was burnt by acid and the body was smelling. The informant suspects that certain persons have kidnapped and killed her father-in-law. The case was lodged on 09.05.2023.

4. Learned counsel appearing on behalf of the petitioner has submitted that at para-60 of the case diary, the informant has given her statement on 08.07.2023 i.e. after more than two months of the occurrence where she had suspected the involvement of this petitioner and had stated that six months prior to the occurrence there was a hot talk between the petitioner and the deceased. In para-72 of the case diary, the CDR was collected and the location of the mobile of this petitioner was found in that village. Since the petitioner is the resident of that village, namely, Pursauliya, the location of mobile is always be found there. The petitioner is innocent and has committed no offence. He is in custody since 05.08.2024.

5. The application for bail is opposed by learned APP for the State. In para-85 of the case diary on 19.11.2023 the informant has restated that there was a measurement in the village and in that measurement the deceased was called by Sukhdeo Mahto from his side and in that measurement the petitioner threatened the deceased not to interfere in this matter or else he would face consequences in old age.

6. Having heard learned counsel for the parties and



considering all these materials it only transpires that there is only suspicion against the petitioner, there is nothing except the statement of the informant from time to time and from the statement of the informant it transpires that each time she comes with a new story. Considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court of Chief Judicial Magistrate, Madhubani in connection with Kaluahi P.S. Case No. 93 of 2023.

7. Accordingly, the present bail application stands allowed.

(Ashok Kumar Pandey, J)

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