

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78478 of 2024

Arising Out of PS. Case No.-515 Year-2024 Thana- SAHARSA SADAR District- Saharsa

Kuldeep Yadav @ Kailu Yadav @ Kuldeep Kumar S/o Virendra Yadav R/o
vill - Dhakjari, P.S. - son Barsa Kachahari, Distt.- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 29-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Saharsa Sadar P.S. Case No. 515 of 2024 registered for the alleged offences under Sections 341, 323, 302, 328 and 120B of the Indian Penal Code.

3. As per prosecution case, the petitioner was the husband of the sister of the informant and allegation is that he administered poison to the sister of the informant, who died. The occurrence took place in the background of illicit relationship of the brother-in-law of the informant with the wife of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. During investigation, no material has come up on record to



show the petitioner administered poison and killed his wife. The wife of the petitioner consumed pesticides and died as she was a short tempered lady and easily got annoyed and agitated. On the date of occurrence, petitioner had gone to Saharsa for his personal work and on getting information about his wife consuming poison, he returned and took his wife to the Sadar Hospital, Saharsa where the doctor declared her brought dead. Cause of death could not be ascertained and viscera was preserved for chemical examination. In the meantime, the informant came and participated in the last rites of the wife of the petitioner and after lapse of five days this false case has been lodged levelling allegation of illicit relationship with his wife. Petitioner is in custody since 29.06.2024 and charge-sheet has been submitted. Petitioner is having clean antecedent.

5. Learned APP opposes the prayer for bail. Learned APP submits that there is specific allegation against the petitioner. In paragraph nos. 70 and 71 of the case diary, the witnesses have stated about wife of the petitioner consuming poison due to regular quarrel with the petitioner in the background of illicit relationship.

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



lack of substantive material against the petitioner and also considering the clean antecedent of the petitioner along with his period of custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Saharsa/court concerned in connection with Saharsa Sadar P.S. Case No. 515 of 2024, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also 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 bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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