

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78800 of 2024

Arising Out of PS. Case No.-92 Year-2024 Thana- BISFI District- Madhubani

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Santosh Kumar Yadav S/O Devendra Yadav @ Deochandra Yadav Resident
of Village- Bhagauti, P.S- Bisfi, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 28-01-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Bisfi
P.S. Case No. 92 of 2024 instituted for the offence under
Sections 302 & 34 of the Indian Penal Code.

3. As per prosecution case, petitioner-who is husband
of the deceased-started harassing her. On 25-04-2024, around
06:30 PM, the informant received information that FIR named
accused beaten her daughter, upon which, informant reached
Bhagauti, where he came to know that her daughter has been
taking treatment at hospital. When she reached hospital, she
found her daughter dead.

4. It has been submitted on behalf of the petitioner



that the petitioner is in custody since 07-05-2024. Petitioner bears one criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. It is submitted that marriage of the petitioner was solemnized with the deceased nine years ago and out of their wedlock, three children are born. It is further submitted that wife of the petitioner (Deceased) died due to illness and her death is natural death. Petitioner was properly taking care of his wife and treatment of the deceased was going on, but, unfortunately, during course of treatment, she died. There is no complaint against the petitioner regarding torture before the incident. From perusal of the postmortem report, it is apparent that there is no external or internal injury found on the body of the deceased. Had the petitioner assaulted her wife, she would have sustained some external or internal injury. Charge sheet has been submitted in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Witnesses have supported the prosecution case, which fact finds mention at paragraph Nos. 46 & 47 of the case diary. There is serious



allegation leveled against the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, there being no cogent material against the petitioner and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner 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 Court below/concerned Court in connection with Bisfi P.S. Case No. 92 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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