

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78862 of 2024

Arising Out of PS. Case No.-607 Year-2023 Thana- BIRAUL District- Darbhanga

Chhatish Yadav Son of Mahendra Yadav @ Yogendra Yadav Resident of
Village -Thika PS -Biraul District -Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Vijaya Laxmi Srivastawa, Advocate
For the State	:	Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 30-01-2025 Heard Mrs. Vijaya Laxmi Srivastawa, learned
counsel for the petitioner and Mr. Jitendra Kumar Singh, learned
APP for the State.

2. The petitioner is in judicial custody in connection
with Biraul P.S. Case No. 607 of 2023 for the offences
punishable under Sections 304(B)/34 of the Indian Penal Code,
lodged on 19.12.2023 by the informant, Indu Devi.

3. As per the prosecution story, the informant's
daughter was married to this petitioner in the year 2018 but was
always tortured for dowry and on the fateful day came to know
that she has been killed. Accordingly, reached the said place and
with the help of Police took it for post mortem which followed
the F.I.R.

4. It is the case of the petitioner that that she was a hot
headed lady and on the fateful day, after having locked, hanged



herself and perusal of the learned Sessions Judge order would also show that she died of asphyxia due to hanging. The last submission is that he has no criminal antecedent, has a small child to take care of and is in custody since 24.02.2024 (paragraph no.9 of the petition).

5. Learned APP Mr. Jitendra Kumar Singh, for the State opposes the prayer submitting that the petitioner being the husband, the death whether it is killing or suicide, he cannot exonerate himself from the responsibility.

6. Having gone through the facts of the case and the submissions of the parties, the facts remains that the unfortunate incident has happened and a young lady has left this world. The responsibility certainly lies on the accused persons including the petitioner.

7. Having recorded that, the petitioner though husband, learned Sessions Judge has recorded the cause of death as asphyxia due to hanging, as per the petition, a child is there out of the said wedlock, the petitioner has remained in custody since 24.02.2024, charge-sheet submitted, an undertaking has been given that he shall be diligently appearing in trial, in that background, this Court is inclined to extend him the privilege of bail.

8. Let the petitioner be released on bail on furnishing



bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Biraul, Darbhanga, in connection with Biraul P.S. Case No. 607 of 2023, subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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