

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89239 of 2024

Arising Out of PS. Case No.-97 Year-2022 Thana- KATORIYA District- Banka

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Brahamdeo Yadav S/o- Moti Yadav Village- Rangapathar, Police Station-
Katoriya, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 18-01-2025 Heard the learned counsel for the petitioner and

learned APP for the State.

2. This is the 2nd attempt of the petitioner. The
petitioner seeks regular bail in the present case registered for the
offence under Sections 304B/328/34 of the Indian Penal Code.

3. As per the prosecution case, the allegation against
the petitioner and others are that they have killed the daughter of
the informant by giving her poison.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has not committed any offence.
Petitioner is in custody since 15.03.2023. Petitioner is the
husband of the deceased. He further submits that the charge was
framed on 26.06.2024 but no witness has been examined till
date which is apparent from paragraph no. 16 of the bail



petition.

5. Learned A.P.P. has vehemently opposed the prayer for bail.

6. Paragraph No. 16 of the bail petition reads as follows:-

16. That in this case charge has been framed on 26.06.2024. In this case altogether 7 witnesses in charge sheet, but till now no any witnesses has been examined before trial court.

7. Considering the delay in trial, this application for regular bail is allowed.

8. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. District and Sessions Judge-1-cum-Spl. Judge, SC/ST Act, Banka/concerned Court below in connection with Katoriya P.S. Case No. 97 of 2022 subject to conditions that:-

(I). The petitioner shall appear in the trial regularly either personally or through his lawyer and shall cooperate in the trial and non-cooperation in the trial shall result in cancellation of the bail bond of the petitioner.

(ii). At the time of accepting the bail bond of the petitioner, the court below



will verify the fact as stated in paragraph no. 16 (quoted above). If the statement made in paragraph no. 16 is found true then the bail bond of the petitioner shall be accepted otherwise the same shall not be accepted.

(Sandeep Kumar, J)

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