

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30519 of 2026

Arising Out of PS. Case No.-40 Year-2025 Thana- BASANHI District- Saharsa

Deepak Yadav @ Dipak Yadav @ Dipak Kumar Son of Alo Yadav @ Premlal
@ Premlal Yadav Resident of Village- Balaitha, P.S.- Basnahi, District-
Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh

For the Opposite Party/s : Ms. Renuka Ratnakar (App.125)

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-05-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
18.09.2025 in connection with Basnahi P.S. Case No. 40 of
2025 for the offences punishable under Sections 80(2), 85 and
3(5) of BNS.

3. The case of the prosecution, in brief, is based on
one typed recorded written application submitted to officer-in-
charge Basnahi Police Station submitted by Sri Manoj Kumar
aged about 58 year's Son of Kulo Yadav resident of village
Kishanganj Golpar PS Bihariganj District Madhepura stating
that daughter of the informant namely Gudia Kumari aged about
19 years was married with Deepak Yadav son of Alo Yadav



resident of village Balaitha PS Basnahi District Saharsa about seven months earlier. It was alleged that (1) son-in-law of informant namely Dipak Yadav (2) Alo Yadav son of Late Mallar Yadav & (3) wife of Alo Yadav name not known all resident of village Balaitha PS Basnahi District Saharsa used to assault & abuse for shake of demanding dowry. It was alleged that he was not being allowed to talk with his daughter. It was stated that after marriage they went three-four time at Balaitha for getting her daughter's return "Bidai" but they did not permit the informant to return with her daughter. It was alleged that on 13.03.25 at about 17:40 the informant received information that his daughter Gudia Kumari was killed by hanging. It was alleged that the informant believe that his daughter was killed by (1) son-in-law of informant namely Dipak Yadav (2) Alo Yadav son of Late Mallar Yadav & (3) wife of Alo Yadav name not known all resident of village Balaitha PS Basnahi District Saharsa, killed due to non-fulfillment of dowry, As such the informant requested legal action against the name accused person.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent. It is next submitted that petitioner has been made an accused in this case on the basis of



the fact that petitioner is husband of the deceased. Learned counsel for the petitioner further submits that it appears from the FIR that there is no specific allegation of assault or overt act or demand of dowry rather the allegations are general and omnibus in nature. Learned counsel for the petitioner submits that the trial has begun and informant, namely, Manoj Kumar has deposed before the learned trial court as P.W. No. 2 and he has not supported the case of the prosecution and wife of Manoj Kumar, namely, Sanju Devi has also been examined by the learned trial court as PW-1 and she has also not supported the case of the prosecution (Annexure-2) and police after investigation has submitted charge-sheet and the petitioner is in custody since 18.09.2025.

5. The learned Additional Public Prosecutor for State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that the witnesses have not supported the case of the prosecution in the trial, 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 Judicial Magistrate 1st Class at Saharsa in connection with Basnahi P.S. Case No. 40 of 2025,



subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Gaurav Sinha/-

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