

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24426 of 2015

Arising Out of PS.Case No. -19 Year- 2015 Thana -RAMKRISHNANAGAR District- PATNA

1. Mahesh Prasad, S/o- Late Sadhu Saran Rai, R/v- Ashochak, P.S.- Ram Krishna Nagar, Distt.- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha

For the Opposite Party/s : Mr. Md.Fahimuddin(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

6 16-10-2015 Heard the learned counsel for the petitioner as well as the learned A.P.P.

The petitioner apprehends his arrest in a case for the offences punishable under sections 302 and 34 of the I.P.C

Rina Devi the sister of the informant was married with the petitioner in the year 2008 as he has got no issue from his first wife but after marriage the relationship with first wife was not good and the first wife of the petitioner brought daughter and son of her sister which was being opposed by the deceased, the sister of the informant gave birth of a female child but died just after fifteen days and it is alleged that the sister of the informant has been killed by the petitioner and his first wife by hanging her.

Submission is of false implication and that during



supervision the Dy. S.P. has found the case as of suicide and finally the case has been found true under section 306/34 I.P.C. Co-accused Jashoda Devi, the first wife of the petitioner, has been allowed pre-arrest bail vide Cr. Misc. No. 24512 of 2015 by order dated 03.09.2015 by another coordinate Bench of this Court and as such the petitioner also deserves sympathetic consideration, to which the learned A.P.P. opposes by submitting that besides the informant witness Renu Devi and Kashi Ram have supported the allegation and further independent witness Lakshman Prasad vide paragraph-36 of the case diary has stated that the petitioner and his first wife used to assault sister of the informant. Other witnesses have also stated that the petitioner used to assault the sister of the informant.

In the facts and circumstances as stated above, considering the position of the petitioner that he is the husband and during investigation it has come that he used to assault the deceased and as such finding it not a fit case for pre-arrest bail the prayer of the petitioner for pre-arrest bail stands rejected in connection with Ram Krishna Nagar P.S. Case No. 19 of 2015/ G.R. No. 624 of 2015 pending in the court of Sri Ranjeet Prasad, J.M. 1st Class, Patna.

However, in case and if so advised the petitioner

surrenders and seeks regular bail then his prayer for regular bail shall be considered preferably on the same day considering that the case has been found true under section 306/34 I.P.C.

(Jitendra Mohan Sharma, J)

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