

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 44101 of 2016

Arising Out of PS.Case No. -61 Year- 2016 Thana -CHANDI District- NALANDA
(BIHARSHARIF)

=====

Chandan Prasad, son of Anandi Mahto, resident of village-Naili, Police Station-
Chandi, District-Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Raj Krishan Jha, Advocate
For the State : Mr. Yogendra Kumar Singh A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 17-10-2016

Heard learned counsel for the parties.

The petitioner apprehends arrest in connection with
Chandi P.S. Case No. 61 of 2016 dated 03.03.2016 instituted under
Sections 302/304B/201/120B of the Indian Penal Code.

The allegation against the petitioner, who is the
husband and father of the deceased woman and minor boy, is of
killing them.

Learned counsel for the petitioner submits that
though he was the husband and father of the deceased, but at the
relevant point of time, he was working for Metro Tyres in the city of
Ludhiana and, thus, cannot be held responsible for the incident. It is
further submitted that the F.I.R. itself states such fact and the
petitioner is also handicapped and that was the reason why his wife
was dissatisfied and had committed suicide, along with her one and a
half year old son. It is further submitted that there cannot be any

reason for the petitioner to have killed his wife, especially when he himself is handicapped and working to earn money for the family. It is submitted that the petitioner is in fact himself unaware of the cause.

Learned A.P.P. opposes the prayer for anticipatory bail, but is not in a position to controvert the fact that the petitioner was out of station on the fateful day. He has not been able to counter the submission as to why the father would kill his one and a half year old infant son even if he has some dispute with his wife.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Hilsa in Chandi P.S. Case No. 61 of 2016, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The petitioner shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall lead to cancellation of his bail bonds.

(Ahsanuddin Amanullah, J.)

P. Kumar

U		T	
---	--	---	--