

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31306 of 2017

Arising Out of PS.Case No. -389 Year- 2016 Thana -CHAPRA MUFFASIL District- SARAN

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VIKASH KUMAR @BATISH

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Kumar

For the Opposite Party/s : Mr. Sri Sunil Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

2 13-07-2017

Heard learned counsel for the petitioner. No one appeared on behalf of the State to assist the court.

The petitioner is apprehending arrest in connection with Mufassil P.S. Case No. 389 of 2016 for the offence under section 304 of the Indian Penal Code.

Earlier the petitioner was made accused in connection with Mufassil P.S. Case No. 264 of 2016 for the offence under sections 341, 323, 136, 379, and 498(A) of the Indian Penal Code.

While hearing anticipatory bail No. 46951 of 2016 of the petitioner this court had the occasion to issue notice to the informant of this case and after hearing the informant and considering the fact that wife of this petitioner namely, Puja Devi died in her parents house on 4th November, 2016 due to some ailment. The court also noticed that subsequently younger



daughter of the informant joined wedlock with the petitioner and they are living happily together. Noticing the aforesaid fact including the fact that the informant has not opposed prayer for anticipatory bail and the petitioner was granted privilege of anticipatory bail vide order dated 16.5.2017. The present case precisely relates to same transaction in connection with the bitterness in the relationship of husband and wife. The informant in the Fard-beyan has mentioned that his daughter had died due to heart attack and the reason for heart attack is attributed to quarrel between the husband and the wife.

Having regard to the fact that the victim died due to heart attack as per assertion in the Fard-beyan itself and the fact that in Cr. Misc. No. 46951 of 2016 granted anticipatory bail to the petitioner in that case. vide order dated 16.5.2017 a Bench of this court considering the entire facts and circumstances including the fact that the petitioner joined wedlock with the daughter of the informant and they are living happily together and informant has not opposed the prayer for bail of this petitioner in Cr. Misc. No. 46951 of 2016 granted anticipatory bail to the petitioner in that case. In the aforesaid facts and circumstances, I am inclined to enlarge the petitioner, named above, on bail in the event of surrender or arrest before the court below within a period of four



weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Saran at Chapra, in connection with Muffasil P.S. Case No. 389 of 2016, subject to the condition as laid down under section 438(2) of the Cr.P.C.

(Anil Kumar Upadhyay, J)

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