

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59416 of 2017

Arising Out of PS.Case No. -27 Year- 2017 Thana -THARTHARI District- NALANDA
(BIHARSHARIFF)

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Govinda Pandey @ Govind Pandey, Son of Rajeshwar Sharma. resident of
Mohalla- Patelnagar, Near Bus Stand, Hilsa, Police Station- Hilsa, District-
Nalanda at Biharsharif.

.... Petitioner

Versus

1. The State of Bihar.
2. Rakhi Kumari, Wife of Late Dinkar Pandey, resident of Village-
Pamara, Police Station- Tharthari, District- Nalanda at Biharsharif.

.... Opposite Parties.

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Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj, Advocate
For the Opposite Party/s : Smt Renu Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 14-12-2017 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks pre-arrest bail in connection with
Tharthari P. S. Case No. 27 of 2017 registered under Sections
323, 306, 364, 368/34 of the Indian Penal Code.

It is submitted by the learned counsel for the
petitioner that the petitioner had no concern with the day-to-day
matrimonial life of the complainant. He submitted that he has
been made accused in the present case only because he happens



to be the nephew (Bhagina) of the father-in-law of the complainant. He is resident of a different village and is residing at a far of place. He contended that the FIR has been instituted on the basis of a complaint, which was referred under Section 156(3) of the Code of Criminal Procedure for investigation and institution of FIR.

On the other hand, Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor for the State submitted that before instituting the complaint, the complainant had approached the police and she had also sent a report to the superintendent of police and when no FIR was instituted, the instant complaint was filed, which was sent to the police for institution of FIR. He submitted that the petitioner may be a distant relative, but the fact of the matter is that the husband of the complainant committed suicide due to cruelty committed upon him by his parents and other family members.

I have heard learned counsel for the parties.

Regard being had to the nature of allegation, specially taking into consideration the fact that the complaint was filed after 21 days of the death of the husband of the complainant, the petitioner, who is a man of clean antecedent and distantly related to her husband, is directed to be released on bail on furnishing



bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM, 1st, Hilsa, Nalanda in Tharthari P. S. Case No. 27 of 2017 corresponding to G.R. No. 598 of 2017, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure, in the event of arrest or surrender before the court below within six weeks from today.

(Ashwani Kumar Singh, J.)

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