

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43067 of 2018

Arising Out of PS. Case No.-55 Year-2016 Thana- KEWATI District- Darbhanga

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Mungalal Ram, S/o Mohan Mochi @ Mohan Ram, R/o Vill.- Behta, P.S.-
Keoti, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Hriday Prasad

For the Opposite Party/s : Mr. Sri Humayou Ahmad Khan

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 28-09-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 304(B),
328 of the Indian Penal Code.

The petitioner is husband of the victim of death.

Allegation is that the petitioner was in the habit of
assaulting her after taking wine, which forced the victim to
commit suicide by consuming poison.

Submission is that the offence under Section
304(B) of the Indian Penal code is not made out in the facts and
circumstances of the case, as marriage was solemnized 15 years
ago, which would be evident from the statement recorded in
para 50 of the case diary of one of the son of the victim aged



about 12 years. Moreover, there is no allegation of demand or torture, nor there is any witness of the occurrence. Even the son of the victim has not stated about the reason of death of her mother.

Considering the fact that there is no substantial material against the petitioner for the purpose of consideration of prayer for anticipatory bail, hence, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Keoti Police Station Case No.55 of 2016, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioner shall fully co-operate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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