

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12354 of 2018
Arising Out of PS.Case No. -230 Year- 2016 Thana -DIGHA
District- PATNA

=====

Abhishek Anand @ Abhishek Kumar Anand S/o Surendra
Prasad Sinha @ Surendra Prasad Yadav, R/o Mohalla-
Shivajee Nagar, P.S.- Digha, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ardhendu Mauli Kumar Prasad
Mr. Rajeev Ranjan
For the O.P. No. 2 : Mr. Rudal Prasad
For the State : Mr. Sri Ashok Kumar Singh

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 04-07-2018 Heard Mr. Ardhendu Mauli Kumar Prasad, learned
advocate for the petitioner, Mr. Rudal Prasad, learned
advocate for the informant and learned APP for the State.

The petitioner is husband of the deceased. He has
been made accused in connection with Digha P.S. Case No.
230 of 2016 instituted for the offences under Sections
304(B), 498(A), 120(B), 34 of the Indian Penal Code.

The prayer for bail of the petitioner was earlier
dismissed as withdrawn.

The petitioner has remained in jail since 3rd of July,
2017 and this Court has been informed that the charges are



about to be framed.

The deceased was the third wife of the petitioner.

The learned counsel for the petitioner has submitted that when the deceased committed suicide, the matter was promptly reported to the father of the deceased by the father of the petitioner. It was only on such information having been transmitted, the informant (father of the deceased) came to the matrimonial home of his daughter. It has also been submitted that the petitioner was not available at the place where the deceased committed suicide. When the petitioner learnt about the occurrence, he came back from Nagpur where he was posted, to perform the last rites. In support of the aforesaid statement, a boarding pass of an airlines has been annexed with the petition. One of the brothers of the petitioner had also, earlier, filed a case stating that the deceased was in an upset mental state after having learnt that she was the third wife of the petitioner.

Be it noted that the first marriage of the petitioner ended in divorce; and the second wife unfortunately died of cancer.

When this aspect came to be known to the deceased, she confronted her father for having kept her in the dark for fixing her marriage with the petitioner.

The postmortem report also does not rule out the



possibility of the deceased having committed suicide.

Under such circumstances, it has been argued that the petitioner be released on bail.

Regard being had to the aforesaid facts, specially the period of custody of the petitioner, this Court is inclined to release him on bail.

The petitioner, above named is directed to be released on bail on his furnishing bail bonds of Rs. 25,000/-(twenty five thousands) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Patna in connection with Digha P.S. Case No. 230 of 2016.

One of the bailors shall be a government servant.

It is, however directed that the petitioner, after his release from the jail shall participate in the trial and shall not absent himself from the trial proceeding without any plausible reason. His absence from the Court proceedings for two consecutive dates, without there being any plausible reason, would entitle the Trial Court to cancel the bail bonds of the petitioner.

The petitioner shall not contact the witnesses of the case or the informant and if he does so and the matter is reported, serious view shall be taken. In that event, the informant would be at liberty to approach the Trial Court and apprise him that the petitioner is making attempts to tamper



with the evidence and the Trial Court shall then proceed against the petitioner in accordance with law.

With the aforesaid directions, the petition is disposed of.

(Ashutosh Kumar, J)

Shageer/-

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

