

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59763 of 2018

Arising Out of PS. Case No.-544 Year-2017 Thana- MANER District- Patna

Binda Rai S/o Late Ram Swaroop Rai, R/o Vill.- Molanipur, P.S.- Maner,
District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Manoranjan Kumar
For the State	:	Mr. Mukesh Kumar Singh
For the Informant	:	Mr. Amrendra Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

3 14-12-2018 Heard learned counsel for the petitioner, learned
counsel for the informant as well as learned Additional Public
Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Maner P.S. Case No. 544 of 2017 registered for the offences
punishable under Sections 302/34 of the Indian Penal Code.

Petitioner is father of the deceased and the present
case has been lodged on the basis of ferdbeyan of wife of
deceased. The wife of deceased claimed in her ferdbeyan that on
the alleged date of occurrence, a quarrel took place and in that
course petitioner assaulted her son who sustained head injury
and thereafter she along with her son went to hospital and when
she returned from the hospital, she got information that her



husband was killed by the petitioner and his other family members by putting rope into his neck.

The post mortem report of the deceased reveals that ligature mark was found and the doctor opined that cause of death was asphyxia due to hanging. Furthermore, the injuries found on the person of the deceased prima facie shows that cause of death of the deceased was hanging. Moreover, not a single prosecution witness claims to have seen the petitioner and others assaulting the deceased.

Submission on behalf of the petitioner is that as a matter of fact, there was dispute between the deceased and his wife and the relation of the deceased as well as his wife with petitioner was strained and that was the reason the deceased and his wife were residing separately from the petitioner. It is further submitted that on the alleged date of occurrence family feud took place which caused annoyance to the deceased who subsequently committed suicide. It is further submitted that moreover, the mother of the deceased has already been granted privilege of anticipatory bail by a co-ordinate Bench of this court vide order dated 24.08.2018 passed in Cr. Misc. No. 22679 of 2018.

Considering the aforesaid facts and circumstances as



well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioner, in the event of his arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri Sandeep Kumar learned Judicial Magistrate, 1st Class, Danapur, Patna in Maner P.S. Case No. 544 of 2017, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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