

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67581 of 2018

Arising Out of PS. Case No.-190 Year-2018 Thana- BAHADURPUR District- Darbhanga

Jatashankar Jha @ Jata Shankar, Son of late Raja Jha, Resident of Village
Kushothar, P.S. Bahadurpur (Fekla O.P.), District- Darbhanga.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : M/S. Ajay Kumar Thakur, Udbhav, Arya Achint
and Malay Kumar Choudhary, Advocates.
For the Opposite Party : Mr. Manish Kumar 2, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 15-01-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 302/34 of the IPC.

The prosecution story, in brief, is that the marriage of
informant's sister Kanchan Devi was solemnized with co-
accused Lalit Jha on 27.04.2009. The informant was a regular
visitor to the *Sasural* of Kanchan Devi in order to see her. He
was informed on 09.05.2018 by his nephew Vikram Jha that his
sister has been assaulted by her in-laws and they have
threatened to kill her by putting her on fire. He met Kanchan
Devi and enquired about the matter. Thereafter, he went to the
Sasural of his sister and made request to perform *Bidagri* and he



called accused Lalit Jha upon which petitioner father-in-law Jatashankar Jha and mother-in-law of his sister refused to perform *Bidagri*. On 11.05.18 at about 7.45 P.M., the informant received information that the accused persons including the petitioner killed his sister Kanchan Devi by putting her on fire and the husband of his sister, accused Lalit Jha also communicated about the occurrence over mobile phone.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has been made accused in the present case due to mistake of fact. The petitioner is the father-in-law of the deceased. In course of investigation, witnesses in paragraph nos. 56 and 57 of the case diary have stated that the deceased had committed suicide due to petty quarrel which has taken place in the family. No offence under Section 302 of the IPC is made out. The alleged occurrence is said to have taken place after nine years of marriage.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or surrender



before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Darbhanga, in connection with Bahadurpur (Fekla O.P.) P.S. Case No. 190/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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