

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46130 of 2019

Arising Out of PS. Case No.-28 Year-2019 Thana- JAGDISHPUR District- Bhojpur

Ram Japit Prasad @ Ram Jabit Prasad Son of Late Sadhu Prasad @ Ram Bachan Prasad, Resident of Village - Parasiya, P.S.- Jagdishpur, in the district of Bhojpur.

... .. Petitioner

Versus

1. The State of Bihar.
2. Dulekhari Devi Wife of Late Algu Tatwan, Resident of Barishwan, P.S.- Shahpur in the district of Bhojpur.

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr.Akhileshwar Prasad Singh, Advocate
For the State	:	Mr.Arun Kumar Singh, APP
For the Informant	:	Mr.Chandan Kumar Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 26-09-2019 Heard learned Senior Counsel assisted by learned Advocate on Record on behalf of the petitioner and learned counsel representing the informant as also learned A.P.P. for the State.

Petitioner in the present case is seeking anticipatory bail in connection with Jagdishpur P.S. Case No. 28 of 2019 registered for the offences punishable under Sections 304B, 201, 120B/34 of the Indian Penal Code.

Learned Senior Counsel representing the petitioner submits that being father-in-law this petitioner has falsely been implicated in the present case even as there is no independent witness to support any allegation against the petitioner. In the case diary, it is submitted that the evidence has come that



deceased had pain in abdomen and further that she was living with her husband in Delhi. The husband is in service in Delhi and she had gone there.

Learned counsel for the informant has opposed the prayer for anticipatory bail as according to him this petitioner being father-in-law had not informed the family of the deceased about her death. Learned counsel, however, accepts from the case diary that there is no independent witness in the case and it is in fact the family members of the deceased alone who had made the allegations against the petitioner. It is also accepted that the deceased had gone to Delhi to live with her husband but then it is stated that the death has taken place in the village where this petitioner resides.

Learned Senior Counsel for the petitioner submits that the fact that the deceased was suffering from abdomen pain has come in the case diary and that shows the reason of death.

Considering the facts and circumstances of the case, wherein it appears from the materials collected in course of investigation that the son of the petitioner is serving in Delhi and the deceased had also gone to live with him for some time in Delhi and that shows that the petitioner is living separately from his son and further that no independent witness has come



forward in course of investigation to support the allegations against the petitioner, let in the event of his arrest or surrender within a period of four weeks from today, the petitioner abovenamed be enlarged on bail on furnishing bail bonds of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, XI, Ara Bhojpur in connection with Jagdishpur P.S. Case No. 28 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

vats/-

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