

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56309 of 2019**

Arising Out of PS. Case No.-307 Year-2018 Thana- BELHAR District- Banka

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Kumar Girijanand Kushwaha @ Rinku Kushwaha @ Girjanand Kushwaha
aged about 34 years (Male), Son of Late Nuneshwar Mandal, resident of
Village- Choura, P.S.- Belhar, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Shyama Nand Thakur, Advocate
For the State : Mr. Md. Arif, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 18-12-2019

Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in Belhar P S Case No. 307
of 2018 dated 09.11.2018 instituted under Sections 302/ 34, 306 of
the Indian Penal Code.

3. The petitioner is not an accused in the FIR where his
other agnates have been named accused and against them, there is
specific allegation of brutal assault on the deceased, who was the
petitioner's wife, leading to her death.

4. Learned counsel for the petitioner submitted that he
lives in Delhi to earn and the family was living in the village and
there was difference between the parties and in the past also, a case



was filed by the wife (deceased) against the accused and they had also filed a complaint case but from time to time there was peace upon intervention of the villagers, but finally the present incident had occurred. It was submitted that even if it is presumed that the deceased had committed suicide, it was not because of the difference with the petitioner, but because of her daily mental torture by the named accused in the FIR. It was submitted that the said accused have got their own persons to give statement to the police falsely implicating the petitioner and have themselves managed to get a clean chit. It was further submitted that petitioner is in custody since 11.01.2019 and his minor children are facing starvation.

5. Learned APP, from the case diary, submitted that witnesses have stated that there were difference between the petitioner and the deceased.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 25,000/- (Twenty Five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-III, Banka in Belhar P S Case No. 307 of 2018 corresponding to S. T. No.151 of 2019.



7. The application stands disposed off.

(Ahsanuddin Amanullah, J.)

Vikash/-

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