

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2576 of 2020

Arising Out of PS. Case No.-137 Year-2019 Thana- TERHAGACHH District- Kishanganj

Hasrat @ Hasrat Alam Son of Haji Rafique Alam Resident of Village - Baigna
Mianpur, P.S,- Terhagachh, Distt.- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjesh Kumar Singh, Advocate

For the Opposite Party/s : Mr.Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 28-02-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for anticipatory bail apprehending his arrest in connection with Terhagachh P.S. Case no. 137 of 2019 registered for the offence under section 306 of the Indian Penal Code.

As per the allegation in the FIR, the Nikah of the daughter of the informant had been solemnized with the petitioner in December 2018. It is stated by the informant that thereafter his daughter had not gone to her Sasural and did not want to go there. On the other hand, her husband was insisting that she comes to her in-laws place. It is stated that her son-in-law had filed Case no. 84 of 2019 in the Family Court for restitution of conjugal rights and her daughter had also filed a case for divorce. It is further stated that her daughter disliked her



husband. On the date of occurrence i.e. 18.10.1990, finding the door of her daughter's room closed, on opening the same forcibly, she found that she had committed suicide by hanging. It is finally stated that as a result of the mental tension and the messages sent by the petitioner, she committed suicide.

It is submitted by learned counsel for the petitioner that the petitioner is the husband of the deceased and from the FIR itself it would transpire that Nikah had taken place between them and she was not ready to come for which the petitioner had filed Case no. 84 of 2019 for restitution of conjugal rights. On the other hand, the informant's daughter was not ready and willing to go to her Sasural. The petitioner has no criminal antecedent.

The application for bail has been opposed by learned APP for the State.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of six weeks from today and in the event of his arrest or surrender in connection with Terhagachh P.S. Case no. 137 of 2019 he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten



Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Kishanganj subject to the condition as laid down under section 438(2) of Criminal Procedure Code.

(Partha Sarthy, J)

Prakash/-

U			
---	--	--	--

