

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6139 of 2020**

Arising Out of PS. Case No.-589 Year-2019 Thana- MOTIHARI TOWN District- East
Champaran

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BHANU KUMAR SHARMA Son of Rajendra Sharma Resident of Village
and P.O.- Majharia, P.S.- Bhairoganj, District- West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwari, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 31-08-2020 Heard learned counsel for the petitioner and Mr. Rana
Randir Singh, learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail
in connection with Town P.S. Case No. 589 of 2019 registered for
the offence punishable under Section 306 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
daughter of the informant who was working as a Data Operator in a
company hanged herself which is also evident from the Post Mortem
Report. Sister of the deceased made an allegation that the deceased
was on talking term with this petitioner and on 22.08.2019 he had
called the deceased and was quarreling with her. For last 4-5 days her
sister was in tension.

Learned counsel submits that it is claimed in the FIR that
the recording of talks and whatsapp chats are present in the mobile of
the deceased but in course of investigation when the sister of the
deceased produced the mobile phone, it has come in the case diary



that no recording or whatsapp message were found in this mobile.

Learned counsel further submits that the CDR of the mobile was also taken out to find out the call details and from the CDR what has been revealed is that this petitioner had a talk with the deceased only on 17.08.2019. Thereafter there was no talk between the two till 22.08.2019 when the deceased hanged herself.

Mr. Rana Randir Singh, learned APP for the State has though opposed the prayer for anticipatory bail of the petitioner but after looking into the materials in the case diary particularly the fact stated in paragraph '14' of the case diary that no whatsapp message or chatting was found and that the CDR shows only one phone call between the parties about five days back and the allegations in the FIR that on the date when the alleged occurrence took place the petitioner was talking to the deceased not being substantiated in course of investigation, the petitioner is not having any criminal antecedent, the petitioner deserves the privilege of anticipatory bail.

Since the petitioner is on provisional anticipatory bail vide order dated 02.03.2020, the same is hereby confirmed on the same bail bonds.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

