

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7003 of 2020

Arising Out of PS. Case No.-74 Year-2018 Thana- KARTAHA District- Vaishali

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Niranjan Kumar Singh @ Niranjan Kumar, S/o Tarkeshwar Singh @
Yadunath Singh @ Baban Dubey, R/O village- Ghataro, Tola- Ramnagar, P.S.-
Kartahan, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Mr. Shashank Shekhar, Advocate
For the Opposite Party/s : Mr. Ajay Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 19-06-2020 The matter has been listed today for consideration through video conferencing in view of the nationwide lockdown on account of COVID-19 pandemic.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

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

The petitioner is apprehending his arrest in connection with Kartahan P.S. Case No.74 of 2018 registered for the offence punishable under Sections 120B, 304B, 34 of the Indian Penal Code.



The informant's daughter was married on 16.04.2016 with the petitioner. He has alleged that she was subjected to torture to fulfil the demand of four-wheeler vehicle by the *Devar, Nanad* and *Nandoshi* (sister's husband). On 19.11.2018, he has received information from her in-laws that his daughter was in a critical condition. He has further alleged that on reaching at the daughter's matrimonial home, he saw that she was murdered by throttling.

It is submitted by the petitioner's counsel that the F.I.R. does not disclose any allegation against the petitioner. Admittedly, the petitioner was working in Dubai. Xerox copy of the passport/visa has been annexed as Annexure 2 to show that the petitioner had departed for Dubai on 15.01.2018 only to return on 22.08.2019 after resigning the job there. Xerox copy of the air ticket has also been enclosed as Annexure 3. A specific averment has been made that he could not come earlier as his employer was not granting him leave. As such, he was compelled to resign. It is further submitted that the employment condition did not permit the petitioner to take his wife to Dubai. Leave was not forthcoming frequently and as such, he could not come to his village home frequently. It is under these circumstances that apparently his wife has committed suicide by



hanging.

Learned APP for the State has opposed the prayer for pre-arrest bail. It is submitted that the victim has died due to hanging at her matrimonial home.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for anticipatory bail.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-XV, Hajipur, Vaishali, in connection with Kartahan P.S. Case No.74 of 2018, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his



bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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