

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12400 of 2020

Arising Out of PS. Case No.-684 Year-2019 Thana- MASAUDHI District- Patna

Prakash Kumar S/o Ram Lal Sharma Resident of Mohalla - New Etwarpur,
Kurthaul, P.O. - Kurthaul, and P.S. - Parsa, District - Patna, Pin-804453.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Anshuman Jaipuriyar, Advocate
For the Opposite Party : Mr.Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 03-07-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State via video
conferencing.

The petitioner seeks pre-arrest bail in connection with
Masaurhi P. S. Case No.684 of 2019 registered under Sections
304-B/201/34 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioner
that the petitioner is a stranger to the family of the victim and
her husband. He is not named in the FIR. His name transpired
during investigation only on the basis that he is owner of a Hero
Honda motorcycle, which was used for disposing of the body of
the deceased. He contended that even if, it is presumed that the
motorcycle of the petitioner was used for disposing of the body,
at best, the ingredients of the offence punishable under Section



201 of the Indian Penal Code would be attracted against the petitioner, which is bailable in nature. As far as Section 304-B of the Indian Penal Code is concerned, the ingredients of the offence would not be attracted against the petitioner, as he is not related to the husband of the deceased.

Learned Additional Public Prosecutor for the State has opposed the prayer for grant of pre-arrest bail to the petitioner. However, he admits that the petitioner is a stranger to the family of the husband of the deceased.

Considering the submissions advanced on behalf of the parties, the petitioner named above is directed to be released on bail, in the event of arrest or surrender before the court below, on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned ADJ, Masaurhi, Patna in Masaurhi P. S. Case No.684 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

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