

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22769 of 2020

Arising Out of PS. Case No.-239 Year-2019 Thana- VISHNUPAD District- Gaya

=====

MANOJ PRASAD @ MANOJ KUMAR VERMA S/o Late Gopal Prasad

Resident of Mohalla- Brahmani Ghat, P.S.- Vishnupad, Distt- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Indrajesh Kumar, Adv.

For the Opposite Party/s : Ms. Nirmala Kumari, APP

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 13-11-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsel are appearing and making submissions from their residence. The Court master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Ms. Nirmala Kumari, learned APP, is appearing as it is submitted that the brief has been allotted to her by the office of Advocate General. Her name may also be printed in the cause



list.

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

Learned counsel for the petitioner is expected to honor his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

Petitioner apprehends his arrest in connection with Vishnupad P. S. Case no. 239 of 2019 instituted for the offence under Section 306/34 of the Indian Penal Code.

The son of the informant, allegedly was being cheated by the petitioner and his wife (Nilu Devi) who allured him and extorted money from him. The informant was trying her level best to bring an end to this illicit relation of her son (deceased) with the petitioner's wife. The informant's son, as per F.I.R., committed suicide by hanging himself from the fan. The petitioner's wife and the petitioner are accused of abetment.

It is submitted by the petitioner's counsel that the petitioner and his wife has falsely been implicated in the instant case. The petitioner has no criminal antecedents. The falsity of the allegation is evident from the fact that a laminated suicide note has been recovered 15 days after the occurrence, though no



such suicide note was produced at the time of lodging of the FIR. The story of illicit relation is false, for which, there is no evidence, whatsoever, even in the course of investigation. The wife of the petitioner, with whom, illicit relation has been alleged, has been allowed anticipatory bail in Cr. Misc. No. 23217 of 2020.

The learned APP for the State has opposed the prayer for anticipatory bail.

Considering the aforesaid facts, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner before the court below, named above, within four (04) weeks from today, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the C.J.M. Motihari, Gaya, in connection with Vishnupad P.S. Case no. 239 of 2019, subject to the conditions as laid down under Section 438(2) Cr. P.C. 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)

shyambihari/-

U			
---	--	--	--

