

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.22864 of 2020**

Arising Out of PS. Case No.-98 Year-2019 Thana- KIUL District- Lakhisarai

UDAY KUMAR S/O Rajendra Prasad Resident of Village - Goddi, P.S.- Kiul,
District - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Devanand Tiwari, Adv.

For the Opposite Party/s : Mr.Humayou Ahmad Khan, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 30-09-2020 Learned counsel for the petitioner undertakes to

remove the defects within two weeks after start of normal

functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Humayou Ahmad Khan, learned APP for the State.

The sole petitioner in this case is Devar of the
deceased, he is seeking pre-arrest bail in connection with Kiul
P.S. Case No.98/2019 registered for the offences punishable
under Section 302/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner has been involved in this case only because he
happens to be the younger brother of the husband of the
deceased, there is no specific allegation against this petitioner



and he has otherwise no criminal antecedent.

Learned counsel has also drawn the attention of this Court towards the order dated 18.06.2020 passed in Cr.Misc.No.5621 of 2020 wherein this Court has gone through the materials collected in course of investigation and after taking note of the statement of the independent witnesses this Court had been pleased to grant privilege of anticipatory bail to the Gotani and mother-in-law of the deceased. The order dated 18.06.2020 in the said case shows that in course of investigation the independent witnesses have stated that the deceased lady had a quarrel with her husband and because of that she committed suicide, earlier also she had attempted to commit suicide but this time she consumed poison and could not survive.

Although, learned APP for the State has opposed the prayer for anticipatory bail of the petitioner, but after going through the order dated 18.06.2020 passed by this Court in Cr.Misc.No.5621 of 2020 and considering the nature of relationship of the petitioner and that there is no specific allegation against him, let the petitioner abovenamed in the event of his arrest or surrender within four weeks from today, be released on bail on furnishing of bail bond of Rs. 25,000/-



(Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Lakhisarai in connection with Kiul P.S. Case No.98/2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(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'.

