

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60430 of 2019

Arising Out of PS. Case No.-92 Year-2019 Thana- EKANGARSARAI District- Nalanda

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UMESH PRASAD Son of Rajballam Prasad Resident of Village - Badribigha,
P.S.- Masaurhi, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha

For the Opposite Party/s : Mr.Akshay Lal Pandit

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

4 04-03-2020 Heard learned counsel for the petitioner and learned APP for
the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 304(B), 34, 328 of the Indian Penal Code registered in connection with Ekangar Sarai P.S. Case No. 92/2019.

3. It is submitted that the petitioner has been falsely implicated merely because he happens to be the husband of the deceased. It is submitted that the deceased was married to the petitioner about 12 years ago and they had a son aged about 11 years. It is therefore, submitted that the provisions of Section 304(B) IPC are not attracted. The deceased has eaten something on the way to her paternal home, as a result of which she fell ill and died on way to Patna for medical treatment. The petitioner claims clean antecedents.

4. Learned APP appears and oppose the petition.

5. In the case diary some witnesses have supported the prosecution case, however, the informant has completely retracted the allegations in his statement recorded in para 70 of the case diary, stating that his signature was obtained on a blank paper and has denied the occurrence. Similarly in para 19 contains the statement of the local doctor which does not also corroborate the prosecution story. In para



16 the statement of the petitioner's son has been recorded in which he has stated that after some dispute between the petitioner and the deceased, the deceased left the matrimonial home with her son and on way to her paternal home, she has purchased and eaten something as a result of which she fell ill.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned CJM, Hilsa (Nalanda), in connection with Ekangar Sarai P.S. Case No. 92/2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

- i. That one of the bailors shall be a close relative of the petitioner.
- ii. That the petitioner shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.
- iv. The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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