

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28969 of 2020

Arising Out of PS. Case No.-339 Year-2019 Thana- HISUWA District- Nawada

Prashant Kumar @ Santu, Son of Anil Yadav, Resident of village- Bhulan Bigha, P.S.- Hisua, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Verma, Advocate

For the Opposite Party/s : Mr.Mukeshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 18-01-2021 Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner, being the husband, is an accused of the offence under Section 304B and other allied Sections of the Indian Penal Code and seeks bail in connection with Hisua P.S. Case No.339 of 2019, which is pending in the court of learned Chief Judicial Magistrate, Nawada.

Petitioner's counsel submits that it is a case of false implication. The petitioner on the basis of such false allegations is now in custody since 30.10.2019. It is further submitted that the post-mortem report does not corroborate the specific allegation of causing death by strangulation.

Learned APP has opposed the prayer for bail. It is submitted that in the inquest report, the police have found



black mark on the neck of the victim. The presumption under the Section arises against the petitioner. Being the husband, it is the primary duty to ensure the safety and well-being of his wife.

It is submitted by the petitioner's counsel that since the dismissal of his last application for bail, the matter stands compromised as the informant has realised that the petitioner's implication was under misconception. It is submitted that in view of these developments, the petitioner would approach the court concerned for grant of bail.

With liberty to do so, the application is permitted to be withdrawn.

The order is being passed in presence of the learned APP.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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