

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40532 of 2020

Arising Out of PS. Case No.-146 Year-2020 Thana- KATORIYA District- Banka

DIWAKAR KUMAR SON OF RASHID RAI RESIDENT OF VILLAGE -
KALOTHAR, POLICE STATION - KATORIYA, DISTRICT- BANKA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 09-02-2021 Heard both parties.

The petitioner seeks bail in Katoriya P.S. Case No. 146 of 2020, registered for the offence punishable under Section 306 of the Indian Penal Code.

As per the prosecution case, informant's grand-daughter was having love affair with the petitioner and when petitioner refused to marry her, she committed suicide by hanging herself.

It is submitted on behalf of the petitioner that although petitioner is named in the FIR, but there is no direct allegation of abatement or instigation which led the deceased to commit suicide. In fact, petitioner was in love affair with the deceased and informant party did not like the petitioner and they committed murder of deceased and falsely implicated this petitioner. Chargesheet has already been



submitted. Petitioner is in custody since 14.07.2020 having clean antecedent, as stated in para 3 of the petition.

Considering the facts and circumstances of the case, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Katoriya P.S. Case No. 146 of 2020, subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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