

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.4835 of 2021**

Arising Out of PS. Case No.-196 Year-2019 Thana- HAJIPUR District- Vaishali

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MUKESH KUMAR @ MUKUBABA @ RAKESH @ RAJESH Son of  
RAMANUJ PRASAD Resident of Village - Bhikhana Pahari Kachori Gali,  
Sadpur, P.S.- Kadamkuan, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

|                      |   |                             |
|----------------------|---|-----------------------------|
| For the Petitioner/s | : | Mr. Ansul, Advocate         |
| For the informant    | : | Mr. Shivjee Singh, Advocate |
| For the State        | : | Mr. Ajit Kumar, A.P.P.      |

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

3      25-06-2021                      Heard Mr. Ansul, learned counsel for the petitioner,  
  
Mr. Shivjee Singh, learned counsel for the informant and Mr.  
  
Ajit Kumar learned Additional Public Prosecutor appearing for  
  
the State through video conferencing.

Petitioner seeks regular bail in connection with  
  
Hajipur Town P.S. Case No. 196 of 2019 registered for the  
  
offences punishable under Section 306/34 of the Indian Penal  
  
Code 1860.

The allegation as per the First Information Report is  
  
that the sister-in-law of the informant committed suicide due to  
  
the fact that the petitioner along with one Jitu Kumar had  
  
arrived at the house of the informant and killed the informant's  
  
brother Rupesh Kiumar Tiwary with Bullet. It has further been



alleged that the brother of the informant Rupesh Kumar Tiwary had solemnized love marriage with the daughter of the petitioner.

Learned counsel for the petitioner submits that the petitioner has not committed any offense in the manner alleged and even if the First Information Report is taken on its face value, no offense much/less the offense under Section 306 of the Indian Penal Code is made out against the petitioner. Learned counsel further submits that in a case lodged for the murder of Rupesh Kumar Tiwary, the petitioner is in custody and there is no material to show that the petitioner at any point of time abetted the victim to commit suicide. Learned counsel next submits that the petitioner is in custody since 27.8.2020 in the present case.

On the other hand, learned counsel for the informant has vehemently opposed the prayer for bail and submits that it is a case of honour killing and due to the fact that the petitioner killed the husband of the deceased, she committed suicide and as such the petitioner does not deserve the privilege of bail.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that the petitioner is already in custody in connection with



the murder of husband of the deceased Rupesh Kumar Tiwary, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of Ms. Shobha, Judicial Magistrate, 1<sup>st</sup> Class, Vaishali at Hajipur, in connection with Hajipur Town P.S. Case No. 196 of 2019.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

**(Anil Kumar Sinha, J)**

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