

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7310 of 2022

Arising Out of PS. Case No.-42 Year-2021 Thana- KHODAWANDPUR District- Begusarai

Pappu Das Son of Umesh Das Resident of Village- Chakwa, P.S.-
Khodawandpur, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 11-10-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Khodawandpur P.S. Case No. 42 of 2021 registered for the
offence under Section 306 of the Indian Penal Code and, later
on, Section 302 of the Indian Penal Code was added
subsequently.

The accused/petitioner is named in the F.I.R. and is in
custody since 30.06.2021.

The allegation against the petitioner is to commit
murder of his wife for a trivial issue, regarding outing of their
minor daughter, where, initially, F.I.R. was lodged u/s 306 of the



Indian Penal Code by the informant.

Learned counsel appearing on behalf of the petitioner submitted that F.I.R. itself speaks about committing suicide for trivial issue, where just on the basis of medical report, as mobility of neck of deceased was found abnormal, under suspicion, the provision of Section 302 of the Indian Penal Code was added later on. It is further submitted that several independent witnesses, during the course of investigation, suggest that the daughter of the informant committed suicide. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that, initially, F.I.R. was lodged u/s 306 of the Indian Penal Code.

In view of the facts and circumstances, as mentioned above, as the allegation u/s 302 of the Indian Penal Code was added merely on the ground of suspicion, which is founded over abnormal mobility of neck coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with



Khodawandpur P.S. Case No. 42 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-XIV, Begusarai/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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