

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26770 of 2021

Arising Out of PS. Case No.-646 Year-2020 Thana- BEGUSARAI TOWN District- Begusarai

Murari Kumar, S/O Ganesh Shankar Ray @ Ganesh Shankar Rai, R/O Vill. -
Narayan Piper, P.S. - Khodawandpur, Dist. - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Shubhesh Pandey, Advocate
For the Opposite Party/s :	Mr. Kanhaiya Kishore, APP
For the Informant	Mr. Sandeep Kumar Gautam, Advocate.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

5 12-01-2022 The applicant/accused in Crime No. 646 of 2020 registered with Begusarai Town Police Station for the offences punishable under Sections 447, 354, 306, 509 and 504 of the Indian Penal Code, by this application is seeking his release on bail during pendency of the trial.

Heard learned counsel for the applicant as well as learned APP appearing for the State and Mr. Sandeep Kumar Gautam learned counsel appearing for the first informant.

Perused the case diary.

The FIR lodged by Arun Dubey came to be registered on 25.11.2020 as seen from the printed FIR. On that day itself provisions of Section 306 of the Indian Penal Code were invoked by the Investigator. Perusal of the FIR shows



that it is alleged by the first informant – father that the applicant continuously harasses his daughter Priya and Priya had attempted to commit suicide in September, 2020. She is bed winner.

The learned Additional Public Prosecutor is not in a position to explain as to how the offence punishable under Section 306 of the Indian Penal Code could have been registered on 25.11.2020 when no suicidal death had taken place.

The learned counsel for the applicant drew my attention to the case diary and pointed out that the Investigator has collected death certificate mentioning that the alleged victim died on 06.12.2020 but there is no report of postmortem examination of her dead body.

I have considered the submissions so advanced and also perused the material placed before me.

Considering this nature of evidence and the fact that applicant is not having any criminal antecedent, I have seen no reason to deny bail to the applicant and therefore, the order :-

- i. The application is allowed.
- ii. The applicant/accused in Crime No. 646 of 2020 registered with Begusarai Town Police Station for the



offences punishable under Sections 447, 354, 306, 509 and 504 of the Indian Penal Code be released on bail on executing P.R. bond of Rs.15,000/- (Rupees Fifteen Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the



applicant/accused.

(A. M. Badar, J)

Bhardwaj/-

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