

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34376 of 2022

Arising Out of PS. Case No.-106 Year-2020 Thana- RAJAPAKAR District- Vaishali

AMTA KUMAR @ AMITABH KUMAR S/o Upendra Rai Resident of
Village- Bhikhanpura, P.S.- Desari (Chandpura O.P.), District- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr.Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 12-09-2022

No one appears on call.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under section 306 of the
Indian Penal Code, in connection with Rajapakar P.S. Case No.
106 of 2020.

As per the prosecution story, the son of the
informant alleged that he was married to Radhey Kumari and a
son was born out of the wedlock and due to tension between the
couple his son was always remain in tension. The further
allegation is that on 15.5.2020 he came to know that his son has
posted a suicide note on the Facebook whereafter he consumed
poison and was rushed to Primary Health Center, Rajapakar and
Sadar Hospital, Hajipur and lastly to the Ganpati Hospital where



he died.

It is further allegation that her daughter-in-law Radha Kumari had developed illicit relationship with this petitioner which resulted into dispute in the family.

As per the averment made in the bail application the petitioner has nothing to do with the alleged suicide of the son of the informant and only because he had apprehension of the petitioner having a illicit relationship with the deceased's wife, his name has been dragged in this case. In fact, he has nothing to do with the wife of the deceased. It is further averred in the bail application that co-accused Radha Kumari has since been released on anticipatory bail by Coordinate Bench of this Court vide Cr. Misc. No. 14192 of 2021 on 15.12.2021.

Taking into account the aforesaid fact that the lady Radha Kumari has been granted anticipatory bail, the petitioner is in custody since 3.4.2022 and he do not have any criminal antecedent, this Court is inclined to grant him the privilege of bail. However if it is found he do have criminal antecedent, this bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief



Judicial Magistrate-III, Vaishali at hajipur in connection with
Rajapakar P.S. Case No. 106 of 2020 subject to the following
conditions:

(i) one of the bailors should be the family members of
the petitioner, who shall provide official document to show
his/her bona fide;

(ii) the petitioner shall appear on each and every date
before the Trial Court and failure to do so for two consecutive
dates without plausible reasons will entail his cancellation of
bail by the Trial Court itself;

(iii) he shall in no way try to induce or promise or
threat the witnesses or tamper with the evidence, failing which
the State shall be at liberty to take steps for cancellation of his
bail bonds.

With the aforesaid observations, the bail
application is allowed.

(Rajiv Roy, J)

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