

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72166 of 2021**

Arising Out of PS. Case No.-254 Year-2021 Thana- RAJAOLI District- Nawada

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ARUN VISHWAKARMA @ ARUN KUMAR VISHWAKARMA Son of
Laxman Vishwakarma Resident of Village - Rajauli, P.S.- Rajauli, District -
Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Birendra Kumar

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 11-03-2022 This case has been listed for out of turn hearing as the

petitioner has to take his mother to Vellore who is undergoing

regular treatment in Vellore.

Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection
with Rajauli P.S. Case No. 254/2021 registered for the offences
punishable under Sections 304(B) of the Indian Penal Code.

It has been submitted by learned counsel for the



petitioner that he is innocent and the deceased wanted the petitioner to separate his business and for that she was unhappy and she has committed suicide. It has also been submitted that the petitioner informed his in-laws who came and, thereafter, the post-mortem was done and the present false case for death of the petitioner's wife has been registered. It has been further submitted by learned counsel for the petitioner which is also reflected from the impugned order, that the petitioner has a 2 ½ years old girl child who is being looked after by the petitioner and if he is sent to jail, there will be no one in the family to look after her and ultimate sufferer will be the child.

The object for grant of bail or refusal of bail is for making the accused to attend the trial and there should not be pre-conviction punishment. Generally, in these types of cases, anticipatory bail is not granted to the husband, but in the special facts and circumstances of the case when there is no one to look after the 2 ½ years old girl child as the mother-in-law is herself under treatment in Vellore, the present anticipatory bail application is allowed.

Accordingly, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on



furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada, in connection with Rajauli P.S. Case No. 254/2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Sandeep Kumar, J)

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