

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27862 of 2023

Arising Out of PS. Case No.-489 Year-2021 Thana- BEGUSARAI TOWN District- Begusarai

ABHISHEK RAJ @ TINKU son of Bhawesh Chandra Mishra Village- Eghu
Ps- town Dist- Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Rama Kant Sharma, Sr. Advocate
For the State	:	Mr.Satya Nand Shukla, APP
For the Informant	:	Mr. Majid M. Khan, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-07-2023 Heard learned senior counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Begusarai Town P.S. Case No.- 489 of 2021 registered for the offences punishable under Sections 302, 120B/34 of the Indian Penal Code. He has got no criminal antecedent.

Learned senior counsel for the petitioner submits that on 21.11.2020 the son of the informant was killed, on the basis of the said information police lodged Unnatural Death (U.D.) Case and thereafter, postmortem was done, from which the cause of death came to be strangulation. It is further alleged that her son was pressurized by his sasural family by lodging a divorce case against him as he had solemnized inter-caste marriage. She alleged that on 21.11.2020 at about 11:00 PM, the FIR named accused persons killed her son by pressing his neck.



Learned senior counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the informant is not an eye-witness of the alleged occurrence. He further submits that the co-accused Anjali Mishra who happen to be the wife of the deceased has already been granted privilege of anticipatory bail by a learned Co-ordinate Bench of this Court in Cr. Misc. No.51098 of 2022.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case, the fact that the informant is not an eye-witness of the alleged occurrence, the husband of the present informant had lodged an Unnatural Death (U.D.) Case on 21.11.2020, however, the present FIR has been lodged after about 14 days, the co-accused Anjali Mishra who happen to be the wife of the deceased and allegations against whom was that she has hatched the conspiracy has already been granted privilege of anticipatory bail by a learned Co-ordinate Bench of this Court in Cr. Misc. No.51098 of 2022, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named shall be enlarged on bail in connection with Begusarai Town P.S. Case No.- 489 of 2021 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai, subject to the



conditions as laid down under Section 438(2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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