

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44129 of 2023**

Arising Out of PS. Case No.-361 Year-2022 Thana- GOH District- Aurangabad

Kamlesh Verma @ Kamal S/O Late Narayan Mahto @ Narayan Verma R/O
Village- Bhurkhanda, PS. Goh, Dist. Aurangabad

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

For the Informant : Mr. Om Prakash Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

- 2 24-08-2023 1. Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.
2. The petitioner apprehends his arrest in connection with Goh P.S. Case No. 361 of 2022 registered for the offences punishable under Sections 147, 149, 341, 323, 506 and 302 of the Indian Penal Code.
3. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that his sister was married to Priya Ranjan Verma and out of the wedlock, four children were born, it is next alleged that the accused persons, including the petitioner, assaulted his sister and she was admitted in PHC, Goh from where she was referred to Magadh Medical College, Gaya where she was declared dead.
4. Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in the present case, it is next submitted that petitioner being father-in-law of the deceased has been implicated whereas the husband has not been made an accused, it is further submitted that it absolutely does not stand to reason that how the father-in-law or mother-in-law or any other family members can misbehave with the daughter-in-law until and unless the husband sides with them. Learned counsel next submits that it absolutely does not stand to reason that as to why the informant has selectively chosen the father-in-law and other family members as an accused person at the same time leaving out the husband when it is the duty of the husband to ensure the well-being of his wife, it is further submitted that one Birendra Kumar who is similarly situated like the petitioner was arrested but then he has been granted regular bail by a learned co-ordinate Bench of this Court *vide* order dated 25.07.2023 in Cr. Misc. No. 31455 of 2023, it is next submitted that from perusal of the allegations as alleged in the FIR it would also manifest that the deceased was taken to PHC, Goh for treatment from where she was referred to Magadh Medical College, Gaya where she was declared dead, it is thus submitted that efforts were made from the side of the family of the petitioner to get the sister of the informant treated in the hospital



but then she died, this amply demonstrates that for some ulterior reason, the informant has selectively made the father-in-law an accused leaving out the husband.

5. Learned A.P.P. for the State and the learned counsel for the informant oppose the prayer for anticipatory bail of the petitioner but are not in a position to rebut the submissions of the learned counsel for the petitioner that Birendra Kumar has been granted the privilege of regular bail by this Court and the deceased was taken to hospital for treatment.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Goh P.S. Case No. 361 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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