

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50305 of 2022

Arising Out of PS. Case No.-197 Year-2022 Thana- BASANTPUR District- Siwan

Mukesh Kumar Son of Rajnath Mahto @ Jata Resident of Village- Molnapur,
P.S.- Basantpur, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

7 12-05-2023 Heard Mr. Raghav Prasad, learned Counsel appearing
on behalf of the petitioner and Mr. Chandra Sen Prasad Singh,
learned A.P.P. appearing on behalf of the State.

2. The petitioner seeks pre-arrest bail in connection
with Basantpur P.S. Case No. 197 of 2022 offences punishable
under Section 306 of the Indian Penal Code.

3. It is alleged that the petitioner used to always tease,
assault and torture the wife of the informant. The petitioner had
assaulted her on 03.05.2022 which led her to commit suicide.

4. Learned Counsel appearing on behalf of the
petitioner submits that the petitioner is co-villager and there is
no occasion to assault the wife of the informant rather the real
story is that the deceased was the second wife of the informant
and the informant was not taking proper care of the deceased



and three children.

5. Learned Counsel appearing on behalf of the State submits that the petitioner has one criminal antecedent in which he has made accused in Basantpur P.S. Case No. 380 of 2021 under Sections 354, 354(C), 447 and 448 of the Indian Penal Code and from the materials collected in course of investigation by Investigating Officer and the examination of the witnesses reveals that the petitioner instigated the deceased to commit suicide.

6. Having heard the rival submissions made by the respective counsels appearing on behalf of the parties and on careful examination of the case diary, it appears that all the witnesses have consistently supported the allegation that petitioner had assaulted and tortured the wife of the informant, however, in want of examination of any of the family members to have supported the allegation made in the F.I.R. against the petitioner, I am of the opinion that the petitioner has made out a, *prima facie*, case to be released on pre-arrest bail.

7. The Court below is directed to released the petitioner on anticipatory bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten



Thousand only) each with two sureties of the like amount each, to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Basantpur P.S. Case No. 197 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C and following further conditions:-

(i) The petitioner will make his attendance every week on Monday at 12 noon before the concerned Police Station under which his house is located and the concerned SHO of the Police Station shall submit his weekly attendance report to the Superintendent of Police, Siwan having jurisdiction.

(ii) Further condition is that the father and mother of the petitioner must file a joint affidavit to make a specific statement that they will not allow the petitioner to fall in bad society and also make specific statement that petitioner don't indulge in any immoral activities.

(Purnendu Singh, J)

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