

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56073 of 2023

Arising Out of PS. Case No.-232 Year-2023 Thana- DHANARUA District- Patna

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Suraj Kumar @ Bhajju Son Of Ramu Mahto @ Rambabu Mahto Resident Of
Village - Satparsa, P.S. - Dhanarua, District - Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Maruti Kumari, Adv.

For the Opposite Party/s : Mr.Ram Anurag Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Dhanarua PS Case No. 232 of 2023, dated 08-05-2023 registered for the offence punishable under Sections 341, 323,308 and 504/34 of the Indian Penal Code.

3. There is allegation that the informant's daughter called him on telephone to say that she was fed up of her life. Intimation was received on 25-04-2023. Thereafter, she has been found to be unconscious, when the informant reached her matrimonial home. She was taken to the hospital. On 26-04-2023, it is alleged that she died. The allegation is that she was made to consume some substance by the instant petitioner,



who is husband, which led to her death.

4. It is submitted by the petitioner's counsel that from the First Information Report (for brevity 'FIR') it is obvious that marriage has taken place 10 years prior to the alleged occurrence and there are at least two children born out of the wedlock of the alleged victim with the petitioner. The FIR, in relation to the alleged death of 26-04-2023, has been lodged on 08-05-2023. The same is an afterthought at the instigation of others, whereas the fact of matter is that the petitioner's wife died on account of some illness. The informant, realizing his mistake, has filed a joint compromise petition in the learned Trial Court, a copy of which is Annexure-2 to the bail petition. The petitioner has no antecedents and is apprehending his arrest in such circumstances.

5. Learned APP for the State and learned counsel for the informant have opposed the prayer for bail. The fact of filing of a joint compromise petition is not denied or disputed.

6. Considering the rival submissions, delay in lodging of the case and filing of the joint compromise petition as well as clean antecedent, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for anticipatory bail is allowed.



7. Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned J. M. 1st Class, Masaurhi, in connection with Dhanarua PS Case No. 232 of 2023, dated 08-05-2023, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure with following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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