

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60598 of 2023

Arising Out of PS. Case No.-194 Year-2023 Thana- BACHHWARA District- Begusarai

Abhay Kumar Jha, S/O Late Sachida Nand Jha R/O Village- Rudauli, Ward No. 10, Ps. Bachhwara, Distt. Begusarai At Present Resident Of Mohalla-Damaria, Yugbhadra Apartment Flat No. 103,P.S.- Gardanibagh, Road No. 10,Distt.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Neha Kumari, W/O Late Prince Raj @ Narayan Jha, D/O Rupesh Jha R/O Village- Rudauli, Ward No. 10, Ps. Bachhwara, Distt. Begusarai At Present Rasalpur, Ward No. 14, Ps. Bhagwanpur, Dist. Begusarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sushil Kumar Jha, Advocate
For the Opposite Party/s	:	Mr.Binod Kumar, APP
For O.P. No. 2	:	Mr. P.N. Shahi, Sr. Advocate
		Mr. Ankur Govind, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 11-10-2023 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for O.P. No. 2.

2. The petitioner is apprehending his arrest in connection with Bachhwara P.S. case No. 194/23 registered for the offence punishable under Sections 302, 201, 120(B) and 34 of the Indian Penal Code on the basis of order dated 20.04.2023 passed in Complaint Case No. 532/2023 under the provisions of Section 156(3) of Code of Criminal Procedure.

3. As per the prosecution case, the complainant has alleged that her two sister-in-laws were having some relation



outside marriage with the instant petitioner which was being objected to by the complainant and her husband. In this background, the complainant alleges that the petitioner along with 9 (nine) members of his family, under a conspiracy, has committed the murder of her husband.

4. The learned counsel for the petitioner submits that it is a false case. The petitioner is neither a family member of the complainant nor relative of the deceased. He is merely a co-villager and has no concern with the family of the deceased. The instant case has been set up against the petitioner on extraneous consideration. The petitioner has a married daughter, and a son who is teaching outside the State. Only to cause embarrassment, the case has been lodged on the basis of a complaint filed by the wife of the deceased on 03.04.2023, i.e. about 25 days after the unnatural death of her husband. The unnatural death was earlier reported by the victim's father (father-in-law of the complainant) on 08.03.2023. In fact, the dead body of the complainant's husband was recovered after breaking open the room. From the report lodged under Section 174 Cr.P.C. (Annexure-2), it is evident that the victim has died due to hanging. The report does not support the allegation in the complaint of beating the victim to death, rather it supports the



death being suicidal. All family members of the petitioner have been impleaded in this case. The petitioner has no antecedent and is a practicing lawyer, who is a man of means, and there is no chance of tampering with the evidence or influencing the witnesses. He further undertakes to cooperate in the investigation as and when required.

5. Learned APP for the State assisted by learned counsel for the informant has opposed the prayer for pre-arrest bail. It is stated that the petitioner is a named accused in the complaint, which has been lodged giving the motive against the petitioner.

6. Considering the rival submissions, the fact of complaint being lodged 25 days after the U.D. case lodged by the victim's father, the cause of death as mentioned in the U.D. case (Annexure-2), the clean antecedent of the petitioner and the undertaking regarding cooperation in the investigation, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for anticipatory bail of the petitioner 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 Chief Judicial Magistrate, Begusarai in connection with Bachhwara P.S. case No. 194/2023, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the 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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