

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65325 of 2022

Arising Out of PS. Case No.-674 Year-2022 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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KISHAN KUMAR Son Of Anil Patel R/O Village- Majhaulia, P.S.- Sadar,
District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mazharul Hassan, Advocate
For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 31-05-2023 Heard Mr. Mazharul Hassan, learned counsel for the

petitioner and Dr. Kumar Uday Pratap, learned Additional

Public Prosecutor appearing for the State.

Petitioner apprehends his arrest in connection with
Sadar P.S. Case No. 674 of 2022 dated 17.08.2022 registered for
the offence punishable under Section 306/34 of the Indian Penal
Code.

As per the First Information Report lodged by the
sister-in-law (*Bhabhi*) of the deceased, on the date of
occurrence, the husband of the deceased called the deceased in
Ramesh Rani Mahrshi Inter College for admission in
intermediate course and upon which the deceased along with her
mother went to the college and when the deceased returned from



the college in the evening, she started vomiting and was admitted in *Sita Devi Memorial Hospital* where she died. In the postmortem report no external injury has been found on the body of the deceased and *viscera* has been preserved for forensic examination by the doctor.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case by the family members of the deceased and the deceased was hospitalized after having complication by her sister-in-law and other parental family members where deceased was residing. The deceased was not living with the petitioner and the petitioner after getting the admission done of the deceased, had gone to Madhubani where he has been doing his job in a private company. The cause of death has not been opined by the doctor concerned. Police has lodged the case against the petitioner for the offence punishable under Section 306 of the Indian Penal Code but there is no material in the entire case diary that the petitioner at any point of time abated the deceased for committing suicide.

Regards being had to the submission made by the parties and taking into consideration the nature of allegation and the fact that no external injury has been found on the body of the deceased and the deceased was hospitalized by her family



members i.e mother and sister-in-law while residing in her paternal home, I am inclined to grant anticipatory bail to the petitioner.

This application is accordingly allowed.

Accordingly, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Sadar P.S. Case No. 674 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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