

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7809 of 2024

Arising Out of PS. Case No.-469 Year-2023 Thana- DUMRA District- Sitamarhi

Uday Kumar, Son of Lakshan Mahto, Resident of Village- Kumhara
Bishunpur, Hariharpur, P.S.- Dumra, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Pd. Singh, Sr. Advocate
		Mr. Ayush Kumar, Advocate
For the Opposite Party/s	:	Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 09-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this case, the petitioner is apprehending his arrest in connection with Dumra P.S. Case No. 469 of 2023, registered for the offences under Section 302/34 of the Indian Penal Code.

3. As per prosecution case, the daughter of the informant was in love with the petitioner and subsequently her dead body was recovered in a pond. The informant alleged that the petitioner and 2-3 unknown persons killed and threw the dead body into the pond.

4. Learned senior counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case due to personal grudge and vengeance of the



informant. From bare perusal of the post-mortem report, it appears no injury was found on the body of the deceased and cause of death is stated to be asphyxia leading to CR failure due to drowning. It appears that due to scolding of the informant, her daughter jumped into the pond and died. Further the informant did not lodge any report about the missing of her daughter and lodged this case after the dead body was recovered only to harass the petitioner. There is no eye-witness to the whole occurrence and allegation is mostly general and vague. Petitioner is having clean antecedent.

5. Learned APP opposes the prayer for anticipatory bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the absence of any substantive material to connect the petitioner with the offence as alleged and further considering the remoteness of allegation and also considering the clean antecedent of the petitioner coupled with possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two



sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi/court concerned in connection with Dumra P.S. Case No. 469 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

balmukund/-

U		T	
---	--	---	--

