

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12255 of 2024

Arising Out of PS. Case No.-559 Year-2023 Thana- GARDANIBAG District- Patna

Lalu Das @ Lallu Das, S/o Prabhu Das @ Prabhu Ram, R/o vill -
Bhikhachak, P.S. - Gardanibagh, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

3 10-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Gardanibagh P.S. Case No. 559 of 2023 registered for the alleged offences under Sections 498(A) and 302 of the Indian Penal Code.

3. As per prosecution case, sister of the informant died in her matrimonial home and allegation against the petitioner, who is the husband of the deceased, is that he along with other co-accused persons, on account of their demand of money, killed her.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Petitioner has not committed any offence. None of the independent witness, examined by the police during



investigation, supported the prosecution case rather the witnesses have stated about the deceased committing suicide after some altercation with the petitioner. Learned counsel further submits that police has mentioned about the place of occurrence and it shows the locks of doors were broken and the clothes from which the deceased hanged herself was also found torn in two pieces. All these facts supported the claim of the petitioner that his wife committed suicide. No external injuries were found on the person of the deceased. There has been no complaint of any ill treatment against the petitioner prior to the said occurrence. Learned counsel further submits that petitioner is in custody since 03.08.2023 and charge-sheet has been submitted. Petitioner is having clean antecedent. Other co-accused persons have been granted anticipatory bail by this Court vide order dated 12.03.2024 passed in Cr. Misc. No. 14553 of 2024.

5. Learned APP opposes the prayer for bail. Learned APP submits that the post-mortem report shows cause of death was asphyxia from manual throttling and smothering and its complications.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



doubtful nature of allegation against the petitioner and also considering the clean antecedent of the petitioner along with his period of custody and submission of charge-sheet, the petitioner above named is directed to 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 J.M. 1st, Patna/court concerned in connection with Gardanibagh P.S. Case No. 559 of 2023, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the 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.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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