

Arising Out of PS. Case No.-65 Year-2020 Thana- TARAPUR District- Munger

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... .. Petitioner/s

Versus

- Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-04-2024 1. Heard learned counsel for the petitioner, learned
APP for the State along with learned counsel appearing on
behalf of the O.P. No.2.

2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 306 of the IPC.

3. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant who is husband of the deceased.

4. It is next submitted that the informant alleges that petitioner use to call his wife very often and used to taunt her that she has bad character and also asked for sexual favour. It is next alleged that the deceased informed the informant about the



conduct of the petitioner, on which the informant intended to hold a panchayat, but after the cultivation season works was over, on which his wife said that if panchayat is convened the family image would get tarnished, thus being fed up with the conduct of the petitioner his wife committed suicide.

5. The learned counsel submits that police after investigation came to a considered conclusion that petitioner has been falsely implicated in the instant case and thus submitted final form exonerating the petitioner of the offence, but the learned trial court based on protest petition took cognizance. It is next submitted that once an investigating agency after threadbare investigation came to a considered conclusion that petitioner is innocent whether it would be prudent for this Court to send the petitioner to jail when cognizance is based on a protest petition.

6. The learned APP along with learned counsel appearing on behalf of the O.P. No.2 opposes the anticipatory bail application, but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that police after investigation submitted final form exonerating the petitioner of the offence and cognizance came to be taken based on protest petition.



7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M.,IVth, Munger in connection with Complain Case No.1290(C) of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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