

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18657 of 2024

Arising Out of PS. Case No.-398 Year-2022 Thana- MAHUA District- Vaishali

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Gauri Shankar Singh, S/O Lagan Singh, R/O Paharpur, P.S- Mahua, Distt.-
Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 21-06-2024 Heard Mr. Sunil Kumar Singh, learned counsel

appearing on behalf of the petitioner and the learned Additional

Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Mahua P.S. Case No. 398 of 2022, registered for the
offences punishable under Sections 341, 323, 324, 325, 420,
354, 376, 511, 504 and 506/34 of the Indian Penal Code and
later on added 302 of the Indian Penal Code.

3. It is alleged that all the FIR named accused persons
entered into the house of the informant and forcibly took the
thumb impression of the informant and her mother-in-law on
some blank papers. It s further alleged that co-accused Uttam
Kumar and Binu Mishra also misbehaved with the daughter-in-
law of the informant and tried to outrage her modesty. Further



allegation has been leveled that the accused persons also assaulted the mother-in-law of the informant, as a result of which she sustained injuries and later on succumbed to it.

4. Learned counsel appearing on behalf of the petitioner, referring to the FIR submitted that there is a long standing land dispute between the parties. The mother-in-law who has allegedly died on account of the assault made by the accused persons, has not been corroborated from the post mortem report, which suggest no injury; thus the viscera has been sent to the Forensic Science Laboratory for ascertaining the cause of death. It is the further contention of the petitioner that other co-accused persons having identical or more serious allegation have been allowed the privilege of anticipatory bail by the learned Co-ordinate Bench and as well as this Court. It is lastly contended that the petitioner is a man of fair antecedent and the case of the petitioner is also based on parity.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submitted that the petitioner has actively participated in the crime, resulting into the death of mother-in-law of the informant.

6. Regard being had to the submissions made on behalf of the parties and considering the submission of the



petitioner that the post mortem report does not support the prosecution case in as much as the other accused persons have been allowed the privilege of anticipatory bail, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Mahua P.S. Case No. 398 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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