

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16460 of 2024

Arising Out of PS. Case No.-301 Year-2021 Thana- BEUR District- Patna

MITHLESH KUMAR @ MITHLESH PANDEY @ MITHLESH KUMAR
PANDEY SON OF BRAJESH PANDEY RESIDENT OF VILLAGE -
JAHANA, P.S. - BIND, DISTRICT - NALANDA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Sujata Sinha
For the Opposite Party/s : Ms. Shaheen Begum

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 30-07-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 302 of the
Indian Penal Code.

3. The informant alleges that his daughter was
married to the petitioner on 14.06.2004 and out of the wedlock,
two children were born, further the daughter of the informant
was tortured by the petitioner, hence, his daughter was staying at
Patna in a rented accommodation for the last six years, further
on 09.07.2021 the son of the informant received an information
over phone that his sister has died, thus, the informant based on
suspicion alleges that his daughter was assaulted and killed by
the petitioner and thereafter hanged.



4. Learned counsel for the petitioner submits that the marriage of the petitioner with the deceased was performed in the year 2004, the instant FIR came to be instituted in the year 2021, as such, in these seventeen years neither any case of torture or assault was instituted by the informant or the deceased. It is also submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the deceased was staying with her two children, but then the FIR does not even remotely suggest that the children disclosed anything about the occurrence to the informant regarding the petitioner. It is next submitted that petitioner, being husband, has been implicated in the instant case. It is also submitted that the petitioner will not abscond rather will co-operate in the investigation to prove his innocence.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. 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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount



each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Beur P.S. Case No. 301 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioner despite giving assurance to this Court is not co-operating in the investigation or not presenting himself as and when required, in that event the learned Trial Court shall be at liberty to forthwith cancel the bail bonds of the petitioner after recording reasons.

8. Further, it is made clear that if charge sheet is submitted connecting the petitioner with the offence in that event, the present anticipatory bail order shall lose its effect.

9. Let a copy of this order be sent to the concerned P.S. through the learned Trial Court.

10. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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