

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18392 of 2024

Arising Out of PS. Case No.-1049 Year-2022 Thana- BARACHATTI District- Gaya

Chhotu Kumar S/O Nageshwar Yadav R/O Village- Kahudag, P.S- Barachatti,
Distt.- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar, Advocate

For the Opposite Party/s : Mr.Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 08-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Barachatti P.S. Case No. 1049 of 2022, registered for the offences under Sections 304(B)/34 of the Indian Penal Code.

3. As per the prosecution case, the informant gave a written report that his daughter was burnt to death by the petitioner who is the husband and her in-laws.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. From perusal of the FIR, it is apparent that petitioner himself informed the informant about the incident of the daughter of the informant committing suicide on minor issue.



The marriage was solemnized in the year 2013 and the alleged occurrence took place on 17.11.2022 and hence, there is no application of Section 304(B) of I.P.C. in the present case. Even during police investigation, the case has been found true under Section 306 of I.P.C. During investigation the witnesses have also stated that there was no dispute between the husband and wife and on account of the petitioner slapping the deceased over the conduct of children, she committed suicide. The informant has realized his mistake and compromised the matter with the petitioner and the informant is himself the pairvikar of the petitioner in the present case and is ready to stand as surety to the petitioner in case he is granted bail.

5. The learned A.P.P. vehemently opposes the submission made on behalf of the petitioner. He submits that there is specific allegation against the petitioner who is the husband for causing death of his wife.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the possibility of false accusation, 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) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate- 2nd Class, Sherghati at Gaya, in connection with Barachatti P.S. Case No. 1049 of 2022, subject to the condition 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 below, if so required by the learned trial court.

(Arun Kumar Jha, J)

tusharika/-

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

