

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23747 of 2024**

Arising Out of PS. Case No.-748 Year-2023 Thana- MOHANIYA District- Kaimur (Bhabua)

Jyoti Prakash Singh @ Pintu Singh Son of Ramyash Singh Resident of
Village- Murahariya, Ps- Mohania, Dist- Kaimur At Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tribhuwan Narayan, Advocate
For the Opposite Party/s : Mr.Uday Pratap Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 13-05-2024 Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with
Mohania P.S. case No. 748 of 2023 instituted for the offences
under Sections 302/34 of the Indian Penal Code.

3. As per the prosecution case, informant has alleged
that his sister was married to the petitioner 15 years ago. It is
further alleged that she has been done to death at her
matrimonial home by strangulating her but the informant was



informed that the deceased died due to stomach pain.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Petitioner is the husband of the deceased. Learned counsel for the petitioner submitted that general and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. Learned counsel further submitted that there is no evidence in support of the allegations as levelled against the petitioner. Learned counsel further submitted that as per post-mortem report, the cause of death is asphyxia due to hanging. Learned counsel further submitted that on perusal of the FIR it appears that deceased was in depression as she could not give birth to a child and therefore, she could have committed suicide. Learned counsel further submitted that as far as the allegation levelled against the petitioner is concerned, the same is purely based on suspicion and there is no reason for the petitioner and other family members to commit the murder of the deceased. The co-accused person has already been granted bail by this Court vide order dated 12.02.2024 passed in Cr. Misc. No. 6000 of 2024. It has been submitted on behalf of the petitioner that the petitioner is in custody since 21.10.2023 and has no criminal antecedent.



5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner and submitted that the prosecution version is supported by the post-mortem report itself and, therefore, the petitioner being the husband of the deceased does not deserve the privilege of bail.

6. Considering the aforesaid facts and circumstances of the case, no specific allegation as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, *after framing of charge*, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Mohania P.S. case No. 748 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioner tampers with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move
for cancellation of bail.

(Rudra Prakash Mishra, J)

Alok Verma/-

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