

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26136 of 2024

Arising Out of PS. Case No.-401 Year-2022 Thana- MAHUA District- Vaishali

Birendra Singh Son of Prabhu Singh, Residence of Village- Govindpur-
Singhara, Police Station- Mahua, District- Vaishali, Pin Code- 844126.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-05-2024 Heard Mr. Abhay Kumar, the learned counsel for
the petitioner and Mr. Umesh Lal Verma, the learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Mahua PS Case No. 401 of 2022, FIR dated
19.06.2022, registered for the offences punishable under
Sections 302 and 201 read with Section 34 of the Indian Penal
Code.

3. According to prosecution case, the daughter of the
informant, who is married to one Nagendra Singh informed her
telephonically that her life is in danger and on the very next day
her son-in-law called her and informed that her daughter has
been murdered. It is further alleged that when the informant
went to the *sasural* of her daughter, she found the door locked.



It is further alleged that she identified the dead body kept in the hospital for *post-mortem* as her daughter namely, Shabnam Kumari.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case merely on the ground that petitioner is brother-in-law of the deceased. He further submits that upon perusal of the FIR it appears that there is no specific allegation of any assault or overt act attributed against the petitioner and husband of the deceased namely, Nagendra Singh is in judicial custody since 27.08.2022 and he is facing trial vide Sessions Trial No. 352 of 2023 and petitioner is living separately from the family members of the deceased.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that petitioner has clean antecedent, there is no specific allegation of any assault or overt act against him and the husband of the deceased is in judicial custody, let the petitioner, above-named, in the event of his arrest or surrender before the trial Court, within a period of four weeks from the



date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-IV, Vaishali at Hajipur, where the case is pending in connection with **Mahua PS Case No. 401 of 2022**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.

(ii). 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.

(iii). And further condition that the trial Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the trial Court shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

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