

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32117 of 2024

Arising Out of PS. Case No.-317 Year-2024 Thana- NAWADA District- Nawada

Kamlesh Kumar S/o Arjun Yadav R/o village Ghostawan, P.S. - Kadirganj,
District Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Durgesh Nandan, Advocate
For the Opposite Party/s	:	Mr. Pushpa Sinha.1, APP
For the Informant	:	Mr. Bhaskar Shankar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 30-08-2024 Heard Mr. Pushkar Narayan Shahi learned Senior

Counsel for the petitioner and Mr. Bhaskar Shankar, learned

counsel appearing on behalf of the informant as also learned

APP.

2. The petitioner is in judicial custody in connection
with Town Nawada P.S. Case No. 317 of 2024 for the offence
punishable under Sections 304B and 34 of the Indian Penal
Code lodged on 25.02.2024 by the informant, Ashok Yadav.

3. As per the prosecution story, the informant alleged
that the daughter (deceased) was married to this petitioner on
22.05.2020. The second marriage (*rosgaddi*) took place in the
year 2023 and within four months, she was killed. Accordingly,
the FIR.



4. Learned Senior Counsel appearing for the petitioner submits that there was no reason to kill the lady. They were having a happy life, the lady was pregnant which shows that the relationship was good, due to some minor issue between the couple, she committed suicide. The petitioner himself broke open the door and find the lady hanging to the ceiling. It is his further submission that even the Post Mortem Report has recorded the cause of death as asphyxia due to hanging and both these facts have come in paragraphs 6 and 36 of the case diary respectively.

5. Learned Senior Counsel conclude by submitting that the *bona fide* of the petitioner can be seen that the death took place on 25.02.2024 and immediately thereafter, he came into custody on 02.03.2024.

6. Mr. Bhaskar Shankar representing the informant on the other hand submits that the petitioner being the husband, he was to protect the lady, she was pregnant but the same was ignored and was tortured which ultimately led to the killing.

7. Learned APP opposes the prayer for bail.

8. Having gone through the facts as also the submissions put forward by the learned Senior Counsel for the petitioner/learned counsel for the informant and taking into



account, the statement in the case diary particularly, Post Mortem Report which shows the death due to hanging, the petitioner do not have criminal antecedent, he came into judicial custody immediately after the occurrence and it has been undertaken by learned Senior Counsel that he will be diligently appearing in trial, this Court is inclined to extend him privilege of anticipatory bail with conditions.

9. Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Town Nawada P.S. Case No. 317 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his bona fide.

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself.

(iii) The petitioner shall in no way try to induce or promise or threat the witness or tamper the evidences, failing which the State shall be at liberty to take steps for cancellation



of the bail bonds.

(iv) The petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Ravi/Ankit/-

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