

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37429 of 2024

Arising Out of PS. Case No.-324 Year-2023 Thana- Manjhagarh District- Gopalganj

Subash Bharti Son Of Late Rabindra Bharti Resident Of Village - Satai, P.S.-
Mirganj, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewanand Tiwari, Adv.

For the Opposite Party/s : Mr. Surendra Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 12-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Manjhagadh P.S. Case No. 324 of 2023, registered 16.09.2023, for the alleged offence under Sections 304(B)/34 of the Indian Penal Code.

03. As per prosecution case, the co-accused-in-laws of the deceased daughter of the informant used to torture the informant's daughter and due to their torture, the informant brought his daughter to his house where she committed suicide. The name of the petitioner transpired during investigation for his involvement in the said occurrence.

04. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case.

The petitioner is not named in the F.I.R. and there is no allegation of any specific overt act against them. The occurrence took place in the house of the informant and it was the informant who killed his daughter due to her conduct. The daughter of the informant was in love with some other person and she never agreed to marry with the son of the co-accused Kamlawati Devi and for this reason, she left her matrimonial home. The informant and his family members tried to convince her, but she did not agree to return to her matrimonial home and in frustration, the informant and his family members killed her. Learned counsel further submits that it appears to be a case of honour killing. The FIR has been registered after delay of a day and allegations in the FIR are general and vague against the petitioners. There is no allegation against the petitioner that he called the daughter of the informant on Whatsapp. Learned counsel further submits that a complaint case has been filed by the brother-in-law of the deceased before the court of learned Chief Judicial Magistrate, Gopalganj *vide* Complaint Case No. 2244 of 2023 detailing all the facts and circumstances for conduct of the deceased and her love affair with some other person. The petitioner has got no criminal history.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and

submission made on behalf of the parties and considering the strong possibility of false implication in the background of facts of the case, let the petitioner above named, in the even of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Manjhagadh P.S. Case No. 324 of 2023, 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 court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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