

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40473 of 2023

Arising Out of PS. Case No.-178 Year-2023 Thana- DARBHANGA SADAR District-
Darbhanga

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Mukesh Kumar @ Mukesh Kumar Singh, (Male), aged about 32 years, S/O
Rameshwar Singh, R/O Village- Ekvinda, P.S- Sadar, Distt.- Darbhanga
(Bihar).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner	:	Mr. Anuj Kumar, Advocate
For the Informant	:	None.
For the Opposite Party	:	Mr. Raj Kishor Singh, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

11 17-02-2024 Heard learned counsel for the petitioner and learned

A.P.P. for the State. However, learned counsel for the informant

is not present.

2. The petitioner is apprehending his arrest in
connection with Sadar P.S. Case No. 178 of 2023 dated
10.03.2023 registered for the offences punishable under
Sections 302, 201/34 and 120B of the I.P.C.

3. As per prosecution case, the petitioner alongwith
the co-accused persons under a conspiracy murdered the son of
the informant by strangulating him. The daughter-in-law of the



informant used to live in her paternal home and used to talk to some boys. On objection, she used to fight in the family. A year ago, the accused persons had assaulted the deceased. Further, the daughter-in-law of the informant had illicit relationship with her brother-in-law (petitioner).

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely been implicated in the present case. It is submitted that the allegation has been levelled against five accused persons including the petitioner to kill the informant's son. The petitioner has been made accused in the present case only on the basis of suspicion. The petitioner is the husband of elder sister of the deceased's wife Sarswati Devi. It is alleged that there is allegation to kill the deceased by strangulating him but no injury mark has been found on the body. The postmortem report does not corroborate such allegation. It is further submitted that the confessional statement of Sarswati Devi, the wife of the deceased, has been recorded in which she has not named the petitioner. It is further submitted that the relation between Sarswati Devi the wife of the deceased and the deceased was not cordial. The petitioner has no concern with the alleged offence. The petitioner has three children and he is a driver. His custody may lead to make him



jobless. There is no eye witness to the alleged occurrence. Police has also not found any cogent material to suggest the implication of the petitioner in the present case. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

5.Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Darbhanga in connection with Sadar P.S. Case No. 178 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C. with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are



liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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