

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56109 of 2024

Arising Out of PS. Case No.-299 Year-2021 Thana- PALIGANJ District- Patna

Mithilesh Singh @ Ramvinay Singh, Son Of Ramadhar Singh R/O Vill-Usari
Nima, Po-Usari Bazar, Ps-Mehendiya, Dist-Arwal

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Sanjay Kumar Singh
For the Opposite Party/s :	Ms. Pushpa Sinha
	Mr. Arbind Kumar
	Mr. Mukul Jee

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 25-09-2024 1. Heard learned counsel for the petitioner, the learned counsel appearing on behalf of the informant and learned APP for the State.

2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 302 and 120(B) of the Indian Penal Code.

3. The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that his son Amit Kumar was married to Amrita Devi about six years ago, but their relationship was strained, though out of the wedlock, a child was born. It is next alleged that Amrita often used to go to her parental home and from there to the house of her brother in-law (petitioner). It is



next alleged that his son had disclosed that Amrita was in extra marital relation with the petitioner. Further, petitioner used to threaten his son often that his wife would not stay with him and will be killed. It is next alleged that Amrita on 13.08.2021 came back to her matrimonial home and on 17.08.2021, took her son to her parental home and on 18.08.2021, in the morning, called and informed that Amit was unwell. Accordingly, the informant along with his family members came to the parental house of Amrita and saw the dead body of his son lying and all the accused persons had fled, thus alleges that his son was killed by the accused persons including the petitioner.

4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case being brother in-law of Amrita i.e. he was married to the sister of Amrita. It is next submitted that though in the FIR, it is alleged that the deceased disclosed to the informant that his wife was having extra marital relation with the petitioner, but then, it is submitted that no steps were taken by the deceased to divorce his wife rather out of the wedlock, a child was born. It is next submitted that it absolutely does not stand to reason that if the deceased was not having cordial relation with his wife, then why on her asking, he would have accompanied her to her



parental home. It is also submitted that the entire occurrence hinges around suspicion and informant is not an eye witness to the occurrence, nor the F.I.R even remotely suggests that petitioner was there at the place of occurrence, when the occurrence had taken place. The learned counsel for the petitioner submits that petitioner is a Constable posted with the CRPF and thus, has been implicated in the instant case. It is also submitted that whether petitioner was having an extra marital relation with Amrita or not is also an aspect of investigation, but then, it does not appear probable that Amrita would have tried to destroy the house of her own sister. The learned counsel next submits that Amrita had approached this Court seeking regular bail by filing Cr. Misc. No.8922 of 2023, but the same came to be rejected by an order dated 09.05.2023 passed by a learned Coordinate Bench, but then, submits that the yardstick of considering the anticipatory bail application of the petitioner should not be on the same yardstick on which the regular bail application of Amrita was considered. It is also submitted that the dead body of the deceased was found in the parental house of Amrit and the viscera report recorded that the death was due to poisoning and it is not the case of the informant that even petitioner was present at the place of occurrence when the



occurrence took place. The learned counsel further submits that during the course of investigation at Para-111 of the case diary, it has been recorded that the CDR of the petitioner was examined and it was found that he was not present at the place of occurrence, when the occurrence had taken place. It is also submitted that petitioner is a government servant and he will not abscond rather will cooperate in the investigation to prove his innocence.

5. Learned A.P.P. as well as the learned counsel appearing on behalf of the informant opposes the anticipatory bail application of the petitioner, but then, are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that informant is not an eye witness to the occurrence and the entire allegation hinges around suspicion and the yardstick for considering the anticipatory bail of the petitioner is different from the yardstick on which the regular bail application of Amrita was considered.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees



Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-VII, Danapur, Patna in connection with Paliganj P. S. Case No.299 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. However, it is made clear that in the event, if any application is filed by the Investigating Officer before the learned trial Court bringing to its notice that petitioner, despite giving assurance to this Court, is not cooperating in the investigation or is not presenting himself as and when required, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

9. Let a copy of this order be sent to the concerned Police Station through the learned trial Court.

(Satyavrat Verma, J)

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