

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60499 of 2024

Arising Out of PS. Case No.-188 Year-2024 Thana- PANAPUR District- Saran

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Akhilesh Mahto Son of Chandradev Mahto R/o Village- Bhagwanpur Brit,
P.S.- Panapur, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Mili Kumari, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

3 17-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Panapur P.S. Case No. 188 of 2024 dated 18.06.2024 instituted for
the offence punishable under Section 306 of the Indian Penal
Code.

3. The prosecution case, in short, is that on the alleged
date of occurrence, the informant who is the chaukidar in Panapur
Police Station, got information that Rina Devi, the wife of the
petitioner has consumed some poisonous substance due to dispute
with the petitioner, and the petitioner and his family members took
her to Patna for treatment. It is alleged by the family member of
her *maike* that the petitioner has killed her and disappeared her
dead body. At 10.45 pm, the dead body of Rina Devi was



recovered from a place near Prithwipur Dhala. Allegation against the petitioner is that he used to beat and tortured the deceased.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the petitioner is the husband of the deceased. The inquest report was prepared on 16.06.2024. The recovery of dead body of the deceased has been made from Prithwipur Dhala at about 23:00 hrs on 16.06.2024 and the post-mortem was done on 17.06.2024 and thereafter First Information Report was lodged by local chaukidar. Learned counsel for the petitioner submits that F.I.R. has not been lodged by the parents of the deceased rather the same has been lodged by the local chaukidar of the area. The *mai*ke of the deceased did not ever made any complaint against the petitioner. It is further submitted that from perusal of the F.I.R., it reveals that attempt to save the life of the deceased was made by the petitioner and his family members. The wife of the petitioner committed suicide by consuming pesticides due to altercation with her husband (petitioner). Learned counsel for the petitioner also submits that the F.I.R. has been lodged under Section 306 of the Indian Penal Code. Lastly, it has been submitted that petitioner has no criminal antecedents.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the



petitioner stating that the petitioner is the husband of the deceased whose dead body was found far away from the house of the petitioner i.e. near Prithwipur Dhala. Her dead body was recovered by chaukidar of the area.

6. Considering the nature of the allegation and the petitioner being the husband of the deceased, I am not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the prayer for anticipatory bail on behalf of the petitioner stands rejected.

8. However, if the petitioner surrenders before the learned court below within six weeks from today and prays for regular bail, the same shall be considered and disposed of preferably, on the same day, on its own merit without being prejudiced by this order.

(Khatim Reza, J)

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