

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74434 of 2023**

Arising Out of PS. Case No.-238 Year-2022 Thana- LAHERIMUHALLA
District- Nalanda

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RAHUL KUMAR S/O ANIL PRASAD R/O VILLAGE- ALIPUR, P.S- HILSA,
DISTT.- NALANDA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Upadhyay, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 05-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner apprehend his arrest in connection with Laheri P.S. Case No. 238 of 2022 registered for the offence under Sections 306/34 of the Indian Penal Code lodged on 16.05.2022 by the informant, Arvind Prasad.

4. As per the prosecution story, the informant alleged that his youngest son committed suicide and left a suicidal note, in which, he has alleged that his wife was having relationship with this petitioner. Accordingly, the present F.I.R.

5. Learned counsel for the petitioner submits that there was no such relationship between them and in any case the fact remains that the informant's son piqued at the manner his wife was behaving with him, committed suicide, in which



unnecessarily, the petitioner has been dragged in this case.

6. Learned A.P.P. for the State opposes the prayer stating that as per allegation, the petitioner was having relation with the deceased's wife, which led him to commit suicide.

6.(A) Though the incident is unfortunate, the deceased was having problem with the lady and her extreme behavior may have forced him to take the ultimate decision, the same can never be appreciated, this petitioner, as per allegation, was having relation for which, he will be facing the trial.

7. In the aforesaid background of fact, this Court is inclined to extend the privilege of anticipatory bail to the petitioner.

8. Let the petitioner, above named, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of Chief Judicial Magistrate, Nawada, Bihar Sharif in connection with Laheri P.S. Case No. 238 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member 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 appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

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

(Rajiv Roy, J)

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