

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6287 of 2024

Arising Out of PS. Case No.-49 Year-2023 Thana- VISHAMBHARPUR District- Gopalganj

Guddu Ram son of Rampatti Ram Village- Bishmabharpur Tola - Phulwariya
Ps- Bishmbharpur Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Adesh Raj Singh

For the Opposite Party/s : Mr.Ramchandra Sahn

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-02-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 328, 302
and 34 of the Indian Penal Code.

3. The learned counsel for the petitioner submits that
petitioner, being brother-in-law of the deceased, has been falsely
implicated by the informant, who is brother of the deceased. It is
next submitted that the deceased was married to the brother of
the petitioner in the year 2006 and out of the wedlock, a child
was born. It is next submitted that the present FIR came to be
instituted in the year 2023, i.e., after 17 years of marriage of the
deceased with his brother. It is next submitted that in these 17
years, no complaint ever came to be instituted either by the



deceased or the informant against the petitioner and his family members. It is also submitted that whenever any dispute arises in between the husband and the wife, and the wife takes an extreme step, the entire family members in a mechanical manner are implicated with general, omnibus and ornamental allegations. It is further submitted that from perusal of the allegations as alleged in the FIR, it would manifest that informant has stated that when he reached the place of occurrence, he saw the dead body of his sister lying in the house. It is thus submitted that if the petitioner or his family members had any intention of killing the deceased, in that event, efforts would have been made to cremate the body, but since the deceased out of anger had consumed poison, as such the body was lying in the house and information was given to all concerned. It is further submitted that the husband of the deceased is in custody. It is next submitted that the petitioner will not abscond and will cooperate in the investigation.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

5. 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 from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bishmabharpur P.S. Case No. 49 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. However, it is made clear that in the event, if the investigating officer of the case files an application before the learned trial court leading to a notice that the petitioner, despite giving assurance to this court, is not cooperating in the investigation, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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