

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3323 of 2024

Arising Out of PS. Case No.-277 Year-2021 Thana- SIDHWALIYA District- Gopalganj

BABUCHAND PRASAD S/O NEPALI PRASAD VILLAGE- LADAULI,
PS. SIDHWALIA, DIST. GOPALGANJ.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Naresh Prasad

For the Opposite Party/s : Mr.Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in anticipation of his arrest in a case registered in connection with Sidhwalia PS Case No. 277 of 2021 dated 21.08.2021 for the offences punishable under Sections 304(B)/34 of the Indian Penal Code.

3. The learned counsel for the petitioner submits that the petitioner being father-in-law came to be implicated by the informant in Sidhwalia PS Case No. 277 of 2021 registered under Sections 304(B)/34 of the Indian Penal Code. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the allegation is general and omnibus in nature and the informant is not an eyewitness to the occurrence. It is also submitted that the husband of the deceased



was acquitted in duly constituted sessions trial no. 206/2022 as would be evident from Annexure-3 to the anticipatory bail application. Learned counsel, thus, submits that no useful purpose would be served by sending the petitioner, who is aged about 75 years, to jail when the FIR was instituted in the year 2021.

4. Learned A.P.P. opposes the anticipatory bail application of the petitioner and submits that in the event if the privilege of anticipatory bail is granted to the petitioner, the petitioner will never appear before the learned trial court for facing trial. On which, the learned counsel for the petitioner submits that the petitioner will appear before the learned trial court and will also get the charges framed and will participate in the trial.

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, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Gopalganj where the case is pending in connection with



Sidhwalia PS Case No. 277 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

6. The application stands allowed.

7. However, it is made clear that the learned trial court would be at liberty to cancel the bail bond of the petitioner in the event if the learned trial court comes to a conclusion that the petitioner is delaying the framing of charge.

(Satyavrat Verma, J)

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