

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81545 of 2024

Arising Out of PS. Case No.-442 Year-2024 Thana- LAKHISARAI District- Lakhisarai

Amit Kumar @ Pinku Son of Babu Lal Yadav Village- English ward no 4, PS
-Lakhisarai, Dist- Lakhisarai Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Madhav Kumar, Advocate
For the Opposite Party/s	:	Mr. Surendra Kumar, APP
For the Informant	:	Mr. Yatiudra Narayan, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 22-01-2025 Heard learned counsel for the petitioner; learned
counsel for the informant and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Lakhisarai P.S. Case No. 442 of 2024 dated 13.07.2024,
instituted for the offence punishable under Sections 103(1),
82(1), 3(5) of the B.N.S.

3. The prosecution case, in short, is that the marriage
of daughter of the informant was solemnized with the petitioner
and two children were born out of their wedlock. It is alleged by
the informant that the petitioner often used to assault and torture
her daughter. It is further alleged that petitioner solemnized
second marriage with one Punita Devi. On 12.07.2024, the
brother of the deceased got information from the petitioner that



his sister has died. Thereafter, the brother and other family members of the deceased reached the in-laws house of the deceased where all the accused persons including the petitioner were preparing for last rites of the daughter of informant and after seeing the informant the second wife of petitioner namely, Punita Devi and his son Rishav Kumar fled away.

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 husband of the deceased. The marriage of the daughter of informant was solemnized with the petitioner 20 years ago. Two children were born out of their wedlock. Learned counsel further submitted from bare perusal of FIR, it is apparent that the message of death of the daughter of informant was conveyed by the petitioner to his brother in-law and only on that basis the family members of deceased could attend her last rites. It is also submitted that the FIR has been lodged after postmortem done by the doctor. It is next submitted that the postmortem commenced on 13.07.2024 at 11:50 am while the present FIR has been lodged on the same date at 03:30 pm. The inquest report was prepared on 12.07.2024 at 22:15 i.e. 10:15 pm, since then the FIR was not lodged by informant's side. It is next stated



that the FIR has been lodged only with an intention to harass the petitioner and his family members. Lastly, it has been submitted that the petitioner is in custody since 14.07.2024 having no criminal antecedents and charge-sheet has been submitted in the case.

5. Learned A.P.P. and learned counsel for the informant vehemently opposed the prayer for bail of the petitioner. Learned counsel for the informant submitted that petitioner solemnized second marriage with one Punita Devi in presence of first wife i.e. daughter of the informant. It is further submitted that petitioner and other members often used to torture and assault the daughter of informant.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Lakhisarai in Lakhisarai P.S. Case No. 442 of 2024, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient



reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

Sankalp/-

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