

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87172 of 2024

Arising Out of PS. Case No.-155 Year-2024 Thana- JHAJHA District- Jamui

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Anil Hembram S/O Kailash Hembram R/O Bajikusum, P.S.- Jamui, District-
Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Adv.

For the Opposite Party/s : Ms. Suman Kumari Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 20-03-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Jhajha
P.S. Case No. 155 of 2024 instituted for the offences under
Sections 498A, 307 of the Indian Penal Code and subsequently
added Section 302 of the I.P.C..

3. As per prosecution case, the accusation against the
the petitioner is of committing murder of the deceased,
suspecting the deceased of having an illicit relationship with
someone else.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case



due to highhandedness of the police. The petitioner has not committed any offence as alleged in the F.I.R. The petitioner is the husband of the deceased. There is no eye-witness to the alleged occurrence and the petitioner has been made victim of circumstance. Learned counsel for the petitioner submits that there is no direct or specific allegation of any overt act against the petitioner. Even the postmortem report does not support the prosecution case as no injury has been found on the skull of the deceased. Even the statement of the children of the petitioner was not recorded by the prosecution. The petitioner has no criminal antecedent and is languishing in judicial custody since 20.04.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. The victim has died in course of her treatment. The postmortem report supports the prosecution case. Cognizance has been taken under Sections 498A, 307 and 302 of the I.P.C. In Para-14 of the case diary, the petitioner has also confessed his guilt. The petitioner is named in the F.I.R. and, hence, he does not deserve bail.

6. Having heard rival contention of both the parties



and considering the entire facts and circumstances of the case, the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail, *after framing of charge if not already framed*, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Jhajha P.S. Case No. 155 of 2024, subject to the following conditions;

- (i) One of the bailor(s) shall be the own/close family members of the petitioner.
- (ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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