

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6434 of 2015

Arising Out of PS.Case No. -20 Year- 2014 Thana -GOPALGANJ TOWN District- GOPALGANJ

- =====
1. Bhardul @ Jaishanker Prasad @ Bhardul Kumar, Son of Shambhu Kailash Prasad.
 2. Shambhu Kailash Prasad, Son of Late Hawaldar Prasad.
- Both residents of village- Pipra, P.S.- Barauli, district- Gopalganj.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shakti Suman Kumar, Advocate

For the Opposite Party/s : Mr. Surendra Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL
ORAL ORDER

3 22-04-2015 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in a case registered for the offence punishable under Sections 417, 307 and 302 of the Indian Penal Code and Section 34 of Dowry Prohibition Act.

It is submitted that the FIR was lodged against unknown. During investigation, name of the petitioners has appeared in the statement of Sandhya Kumari @ Sandhya Devi, wife of petitioner no.1, who has stated that she had love affairs with petitioner no.1 Bhardul @ Jai Shankar Prasad and later on, both of them had married. Thereafter, she became pregnant. She was taken to Sadar Hospital by the petitioner no.1 and others. There was severe pain

in her abdomen and she went in the bathroom where she delivered a baby and became senseless and she was taken back to her parents' house. The petitioner no.1 and others did not allow her to see the baby. The FIR was lodged by the doctor on the information given by the sweeper that a newly born baby was lying in the bath room. Thereafter, treatment was made, but the baby could not survive. It is further submitted that there is no specific allegation of overt act against the petitioner no.2.

It appears from the statement of Sandhya Kumari that she has also lodged a complaint case no.253/2014 against the petitioner no.1 and others for the offence punishable under Sections 376, 302 and 201 of the Indian Penal Code.

Considering the facts and circumstances of the case, in my opinion, the petitioner no.1 Bhardul @ Jai Shankar Prasad does not deserve bail. His prayer is **rejected**.

Let the petitioner no.2 Shambhu Kailash Prasad be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in Gopalganj Town P.S. Case No.20 of 2014 with the following conditions :

1. One of the bailors will be the close relative of the petitioner no.2.



- 2. The petitioner no.2 will not indulge in similar or in any other offence.
- 3. The petitioner no.2 will be well represented in the court.
- 4. In case of absence for two consecutive dates or in violation of the terms of the bail, his bail bond will be liable to be cancelled by the court concerned.

(Amaresh Kumar Lal, J)

V.K. Pandey/-

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