

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36837 of 2015

Arising Out of PS.Case No. -465 Year- 2009 Thana -SAMASTIPUR COMPLAINT CASE District-
SAMASTIPUR

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1. Sarjit Rai @ Sarjit Kumar Rai @ Sarjeet Rai Son of Bindeshwar Rai
Resident of village - Darawa, Police Station - Tajpur (Halai), District -
Samastipur

.... Petitioner/s

Versus

1. The State of Bihar
2. Jai Prakash Rai Son of Late Yogendra Rai Resident of village - Banbira,
P.S. Tajpur Halai, District - Samastipur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Choudhary Shyam Nandan
For the Opposite Party/s : Mr. Sucheta Yadav(APP)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 10-09-2015 Heard learned counsel for the petitioner and learned
Assistant Public Prosecution for the State.

This application for grant of anticipatory bail arises out of
C.R. case No. 465 of 2009 (Tajpur (Halai) P.S. Case No. 187 of
2007), disclosing offences under Section 304B of the Indian Penal
Code.

Learned counsel for the petitioner submits that the said
Tajpur (Halai) P.S. Case No. 187 of 2007 was registered under
section 156(3) of the Code of Criminal Procedure and the police
after investigation had submitted final report on 29.02.2008,
finding no material against the petitioner. It is his submission that

more than four years after filing of the said final report by the police, learned Judicial Magistrate Ist Class took cognizance on 28.05.2012 on a protest petition filed by the informant, Opposite party no.2. He has also submitted that the petitioner cooperated with the police in course of investigation.

Learned Additional Public Prosecutor appearing on behalf of the State, on the other hand, while opposing the prayer for anticipatory bail has submitted that the petitioner had administered poison to the deceased leading to her death.

Considering the submission that earlier final report was submitted by the police in the year 2008 itself, finding no material against the petitioner after completion of investigation, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is allowed. Let the petitioner, above named in the event of his arrest or surrender before the Court below within six weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri Ravindra Kumar, Judicial Magistrate Ist Class, Samastipur in C.R. case No. 465 of 2009 (Tajpur (Halai) P.S. Case No. 187 of 2007, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall liable to be cancelled.

(Chakradhari Sharan Singh, J)

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