

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45960 of 2014

Arising Out of PS.Case No. -267 Year- 2013 Thana -MANIYARI District- MUZAFFARPUR

Lakhindra Sah Son of Bhola Sah Resident of Village - Muraul, Police
Station - Maniyari, District - Muzaffarpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Bindhya Keshari Kumar, Senior Advocate
Mr. Neeraj Kumar Alias Sanidh, Advocate
For the Opposite Party : Mrs. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

2 23-04-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Lakhindra Sah, in connection with Maniyari Police Station Case No. 267 of 2013 under Section 304B read with Section read with Section 34 of the Indian Penal Code.

Perused the above application and materials on record including a copy of the order, dated 27.10.2014, passed, in A.B.P. No. 1888 of 2013, by the learned Sessions Judge, Muzaffarpur, dismissing the said application for pre-arrest bail.

Heard Mr. Bindhya Keshari Kumar, learned Senior Counsel for the petitioner, and Mrs. Meena Singh, learned Additional Public Prosecutor, appearing on behalf of the State.

Though it is submitted that the informant has already filed an application before the police saying that he had been

misinformed that his daughter, Bibha Devi, had been burnt to death, the fact remains that the First Information Report, which has been lodged in the present case, embodies sufficient accusations to bring the case within the fold of Section 304B of the Indian Penal Code.

In the above view of the matter, while the prayer for pre-arrest bail made by the petitioner may not be rejected, it is made clear that investigation, in the case aforementioned, is, indeed, warranted to uncover the truth in order to determine if the accusations, made against the petitioner as regards the demand for dowry, are true or not.

In view of what has been observed above, while, it is, in the interest of justice, directed that the petitioner above-named shall, in the event of his arrest in connection with the case aforementioned, be released on bail of Rs. 10,000/-, with two sureties, each of the like amount, subject to the satisfaction of the Officer-in-Charge, Maniyari Police Station, District-Muzaffarpur.

It is hereby made clear that the investigation in the case aforementioned shall be carried out in accordance with law.

This direction for bail is further subject to the condition that the petitioner above-named shall, within two weeks from today, appear before the Officer-in-Charge, Maniyari Police

Station, District-Muzaffarpur, and make himself available for interrogation by police at all reasonable time and shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer.

This application for pre-arrest bail shall stand disposed of in terms of the above observations and directions.

Let a copy of this order be sent, forthwith, to the Officer-in-Charge, Maniyari Police Station, District-Muzaffarpur.

Send also a copy of this order, forthwith, to the Superintendent of Police, Muzaffarpur, by fax.

(I. A. Ansari, J)

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