

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3912 of 2016

Arising Out of PS.Case No. -194 Year- 2015 Thana -CHARPOKHARI District- BHOJPUR

1. Upendra Kumar S/o Hari Singh, R/o Village - Gurej, P.S. - Jagdishpur,
District - Bhojpur (Bihar).

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Ajit Kumar, Advocate
For the State : Mr. Jitendra Kr. Roy No.1(App)
For the informant : Mr. Raj Narayan Mishra, Advocate

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER**

3 03-03-2016 Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Charpokhari Police Station Case No. 194 of
2015, disclosing offences under Section 304B of the Indian
Penal Code.

The petitioner is the husband of the deceased.
The death had occurred on 12.06.2015 when the deceased
was, admittedly, at her mother's place at Jaitpura, under
Charpokhari Police Station. The petitioner who is employed
in Merchant Navy and was, at the relevant point of time,
posted in Mumbai, had come to Jaitpura in the night of the
date of occurrence.



Learned Counsel for the petitioner submits that for an occurrence which is said to have taken place on 12.06.2015, First Information Report was instituted on 25.06.2015. No post mortem of the body of the deceased was done. The informant and the family members of the petitioner had participated in the cremation. He submits that there is no allegation at all of demand of dowry at any point of time and, therefore, no offence under Section 304B of the Indian Penal Code is made out.

Learned Counsel for the informant has opposed the prayer for bail on the submission that the petitioner, being the husband of the deceased, should not be granted such privilege.

However, considering the submission that no offence under Section 304B of the Indian Penal Code is made out in the absence of any allegation of demand of dowry or torture thereof, this application is allowed.

Let the petitioner, Upendra Kumar, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Ara, in connection with Charpokhari Police Station Case No. 194 of 2015, subject to the

condition 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, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

U	✓	T	✓
---	---	---	---