

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7626 of 2016

Arising Out of PS.Case No. -66 Year- 2015 Thana -BANIAPUR District- SARAN

1. Rohit Singh Son of Surendra Singh, Resident of Village - Puchari, Police Station - Baniyuapur, District - Chapra.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh

For the Opposite Party/s : Mr. Ashok Kumar Singh (App)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 18-03-2016 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Baniyapur Police Station Case No. 66 of 2015, disclosing offences under Sections 304B/201/34 of the Indian Penal Code.

The First Information Report came to be instituted under Section 156 (3) of the Code of Criminal Procedure upon a complaint by one Thakur Ojha, the uncle of the alleged victim. According to the case of the prosecution, the victim was married to the petitioner on 30th June, 2010. The complaint petition was filed on 21.03.2015, raising a suspicion that the petitioner might have killed the

victim and got her body disappeared.

Learned Counsel for the petitioner has submitted that no case under Section 304B/201/34 of the Indian Penal Code is made out inasmuch as there is no material to show that the said victim in fact died. He has referred to an affidavit sworn by the informant himself to the effect that the said victim has eloped with some one else. It has further been submitted that there is no likelihood that the petitioner will flee from the course of investigation or trial, if granted the privilege of anticipatory bail.

Considering the facts and circumstances and, particularly, the submission that there is no evidence of the death of the said victim, this application is allowed.

Let the petitioner, Rohit Singh, 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 Chief Judicial Magistrate, Chapra, in connection with Baniyapur Police Station Case No. 66 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/-

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