

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42390 of 2016

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1. Shivan Mandal Son of Laxmi Mandal Resident of Batsar P.S. Dhraiya,
District - Banka

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vibhakar Kumar

For the Opposite Party/s : Smt. Anita Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 06-10-2016 Heard learned counsel for the parties.

This application for grant of anticipatory bail arises out of Dhraiya P.S. Case No. 202 of 2015, disclosing offences under Section 302 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

Petitioner is the husband of the deceased. The First Information Report has been registered on the basis of a complaint petition being Case No. 1559 of 2013 filed by the brother of the deceased in the Court of learned Chief Judicial Magistrate, Banka in September, 2015.

Learned counsel appearing on behalf of the petitioner has submitted that *fardebayan* of the mother of the deceased was recorded by the police on 11.08.2015, wherein she herself has said

that the deceased had committed suicide out of sharp and sudden and virulent emotional reaction.

Learned counsel for the petitioner has submitted that delay of more than a month in filing of the complaint petition itself casts serious doubt on the veracity of the allegation.

Considering the above, this application is allowed. Let the petitioner above named, in the event of his arrest/surrender within six weeks from today in the court below 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 the learned Chief Judicial Magistrate, Banka in Dharaiya P.S. Case No. 202 of 2015, 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, as 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 be liable to be cancelled.

(Chakradhari Sharan Singh, J)

ArunKumar/-c

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