

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13524 of 2016

Arising Out of PS.Case No. -247 Year- 2010 Thana -CHAPRA TOWN District- SARAN

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Kamlesh Kumar Singh son of Om Prakash Singh, resident of Village-
Rauja, Police Station- Chapra Town, District- Saran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Bindhyachal Singh, Advocate Mr. Satya Prakash, Advocate
For the State	:	Mr. Manish Kr. 2, APP
For the informant	:	Mr.Suresh Prasad, Advocate Mr.Anurag Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 20-04-2016

Heard the parties.

The petitioner apprehends his arrest in a criminal prosecution registered under Sections 304B, 498A and some other allied offences under the Indian Penal Code.

Originally, a complaint petition was filed giving rise to Complaint Case No. 3220 of 2010 naming the petitioner and others as accused for commission of crime in question and the aforesaid petition of complaint was sent to the local police by the learned Judicial Magistrate in exercise of his power under Section 156 (3) Cr.P.C. which gave rise to Chapra Town P.S.Case No. 247 of 2010 and investigation was taken up. On close of investigation, the police submitted final report No. 186 of 2011 dated 31.07.2011 which has been brought on record as Annexure-2 as mistake of fact and none of the accused persons including the petitioner was chargesheeted. However, a protest petition was filed by the informant which gave rise to Protest-cum-Complaint Case No. C 601 of 2012 whereafter cognizance has been taken for offences

under Section 304B of the Indian Penal Code, besides others.

Taking into consideration the aforesaid factual matrices, particularly, the fact that the statutory agency, who investigated the original criminal case, has doubted the veracity and correctness of the prosecution version against the petitioner and others though the petitioner happens to be the husband of the deceased, this Court is inclined to accede to the prayer made on behalf of the petitioner for grant of anticipatory bail.

In the event of his arrest or surrender in the court below within a period of four weeks from today, let the above named petitioner be released on bail on furnishing bail bond of Rs.25,000/-(Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of Sri Vivek Rai, learned Judicial Magistrate, 1st Class, Saran at Chapra in connection with Protest –cum-Compalint Case No. C 601 of 2012 arising out of Chapra Town P.S.Case No. 247 of 2010, subject to the conditions laid down under Section 438 (2) of the Cr.P.C. and subject to the further conditions that :

- (A) one of the bailors must be a government servant,
- (B) another bailor of the petitioner shall be family member or close relation of the petitioner who will file affidavit in the court below showing his/her relationship with the petitioner.
- (C) if the petitioner is found involved in same and similar nature of cases in future, then in that case, the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned, and
- (D) the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through

representation by his lawyer on each and every dates, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Prasad Verma, J)

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