

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39501 of 2016

Arising Out of PS.Case No. -602 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

=====

Baban Sao Son of Hazari Sao Resident of Khapuri, P.S. Dulhin Bazar,
Distt. Patna

.... Petitioner/s

Versus

1. The State of Bihar

2. Yogendra Sah Son of Late Jagdish Sao, Resident of Mohalla-
Ballamichak Narayan Nagar, P.S. Beur, Dist. Patna

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Manoranjan Kumar

For the Opposite Party/s : Mr. Sri Lalan Kumar

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 10-11-2016 Heard Sri Manoranjan Kumar, learned counsel for the

petitioner , Sri Lalan Kumar, learned Additional Public Prosecutor

as well as Sri Arvind Prasad Singh, learned counsel who has

appeared on behalf of complainant/ opposite party no. 2.

The petitioner, who is elder brother of the husband of
the deceased , has approached this court for grant of bail in the
event of his arrest or surrender in connection with Complaint
Case No. 602 of 2015 registered for the offence under Section
498-A , 304-B , 506, 120B of the Indian Penal Code primarily on
the ground that in similar circumstance one of the co -accused
who is also brother of the husband of the deceased has been
granted bail by a bench of this court vide order dated 2.9.2016



vide Cr. Misc. No. 38425 of 2016. It was further argued that marriage of daughter of the complainant was solemnized with the brother of the petitioner on 29.6.2012 however, the wife of the brother died on 24.10.2014 while she was underway in hospital. By way of referring to paragraph no. 7 of the complaint petition learned counsel for the petitioner has argued that complainant himself has admitted that he had brought her daughter to his home and subsequently she was carried to hospital. In the complaint petition negligence has been alleged against doctor who had treated the daughter of the complainant .

Learned Additional Public Prosecutor as well as learned counsel for the complainant have vehemently opposed the prayer. It was argued by them that immediately after the marriage all the accused persons started torturing the daughter of complainant for dowry. They were pressurizing to transfer a piece of land situated at Patna and due to non- fulfillment the daughter of complainant was done to death.

Besides hearing I have perused the material available on record particularly statement made in paragraph no. 7 of the complaint petition. Learned counsel for the complainant has opposed the prayer for grant of anticipatory bail to the petitioner but he was not in a position to distinguish the case of petitioner

with the case of one of the co- accused namely Brij Mohan Prasad, who was granted anticipatory bail by this court.

Keeping in view the fact that in similar circumstances one of the accused has been extended the privilege of anticipatory bail as well as peculiar facts and circumstances of the present case the Court proposes to extend the privilege of anticipatory bail to the petitioner. Accordingly in the event of arrest or surrender within a period of six weeks from today, let the petitioner Baban Sao be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Smt. Kiran Chaturvedi, learned Judicial Magistrate 1st Class, Patna / concerned court in connection with Complaint Case No. 602 of 2015 subject to the conditions as contemplated under section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

Praful/-

U		T	
---	--	---	--