

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2538 of 2016

Arising Out of PS.Case No. -61 Year- 2015 Thana -SIDHWALIA District- GOPALGANJ

Nand Kisore Prasad S/o Dharam Prasad (Husband) R/o Village- Balara,
P.S.- Sidhwaliya, Dist.,- Gopalganj

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Harendra Prasad

For the Opposite Party/s : Mr. Smt. Indu Kumari Srivastava(App)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

3 03-03-2016 Heard learned counsel, appearing on behalf of the

petitioner, and the learned Addl. Public Prosecutor, appearing on

behalf of the State.

This application for grant of anticipatory bail arises out of

Sidhwaliya P.S. Case No. 61/2015, disclosing offences under

sections 302, 201, 120B of the Indian penal Code.

The petitioner is the husband of the deceased. Marriage

between the petitioner and the deceased had taken place,

admittedly, nearly nine years before the date of occurrence. It is

alleged that the demand of dowry was made by the In-laws and

subsequently the petitioner and his family members killed the

deceased. Father of the deceased is the informant of the case.

Learned counsel for the petitioner submits that there is



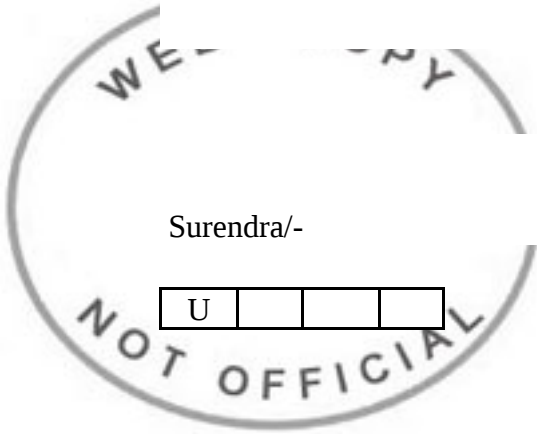
absolutely no allegation of any omission or overt act on the part of the petitioner, which led to death of the deceased. He further submits that the case has been instituted under section 302 of the Indian Penal Code merely because the death had not occurred within seven years of the marriage of the deceased and the petitioner, which would have constituted an offence under section 304B of the Indian Penal Code. He submits that no offence under section 302 of the Indian Penal Code is made out against the petitioner on the basis of contents of the First Information Report.

I find some substance in the submissions made on behalf of the petitioner. This application is, accordingly, allowed.

Let the petitioner, abovenamed, in the event of his arrest/ surrender before the court below within six weeks from today, 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 Mr. Ashish Mishra, Judicial Magistrate, 1st Class, Gopalganj in connection with Sidhwalia P.S.Case No. 61/2015, 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)