

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41630 of 2016

Arising Out of PS.Case No. -43 Year- 2013 Thana -SULTANGANJ District- PATNA

=====

Md. Sahnawaz Anwar @ Md. Shahnawaz son of Late Md. Anwar Resident
of Mohalla - Dariyapur, Fakirbara, P.S. - Pirbahore, District - Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Malay Kumar Choudhary

For the Opposite Party/s : Mr. Sri Panchanand Pandit

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 05-12-2016 Heard Sri Ajay Thakur, learned counsel who has

appeared as per instruction of Sri Malay Kumar Choudhary ,

learned counsel for the petitioner and learned Additional Public

Prosecutor .

The sole petitioner who is in custody since 27.7.2016 in
Sultanganj P.S. Case No. 43 of 2013 registered for the offence
under Section 498(A), 304-B , 120-B of the Indian Penal Code
has prayed for grant of bail.

It was accepted by learned counsel for the petitioner
that death of the wife of petitioner occurred within seven years of
marriage but he has argued that it was hardly a case of suicide and
instead of filing F.I.R. after about two months from the date of
occurrence a complaint petition was filed in the court of learned



Additional Chief Judicial Magistrate Patna City which was referred to the Police for registering a case and investigation under Section 156(3) of the Cr.P.C. and thereafter the present F.I.R. was lodged . He further submits that the learned Sessions Judge while rejecting the prayer for bail had referred to paragraph no. 7 and 8 of the case diary whereas facts disclosed in paragraph no. 7 and 8 of case diary makes it clear that deceased had committed suicide. According to learned counsel for the petitioner there is no cogent material to suggest that the victim was tortured for demand of dowry.

Be that as it may , keeping in view the fact that the present case was initiated on the basis complaint which was filed two months after death and material on record, let the petitioner Md. Sahnawaz Anwar @ Md. Shahnawaz be enlarged on bail on furnishing bail bond of Rs. 10000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate , Patna City in connection with Sultanganj P.S. Case No. 43 of 2013 with condition that one of the bailors must be blood relation of the petitioner and during trial before the court below on each and every date he shall remain physically present. If continuously on two dates without prior permission of the trial court he remains absent his bail bond shall



stand automatically cancelled.

(Rakesh Kumar, J)

Praful/-

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

