

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45596 of 2016

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

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Kamal Nayan Prasad @ Dr. Kamal Nayan prasad @ Kamal Narayan Prasad
@ Dr. Kamal Narayan Prasad son of Hazari Sao, resident of Khapuri, P.S.-
Dulhin Bazar, Distt- Patna.

.... Petitioner

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 Parties

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Appearance :

For the Petitioner/s : Mr. Manoranjan Kumar, Advocate
For the Opposite Party/s : Mr. Anish Chandra

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

2 20-10-2016 The petitioner being the elder brother of the husband

of the daughter of the complainant is apprehending his arrest in a

complaint case wherein processes were directed to be issued after

cognizance being taken for the offences punishable under Sections

498-A, 304-B, 506 and 120B of the Indian Penal Code.

Prosecution case is that the complainant married his

daughter Rani Kumari with Harendra Kumar, the brother of the

petitioner. Immediately after the marriage, brother of the petitioner

inflicted for non-fulfillment of Rs.2,00,000/-, chain and others. It

is further alleged that first pregnancy of the complainant's

daughter was terminated and for the second time when she

conceived, she was admitted to Shakuntala Nursing Home but she died due to negligence of the accused persons including the petitioner.

It is submitted by learned counsel for the petitioner that the accusation is omnibus and general. The victim died after three years of her marriage in a nursing home during treatment of pregnancy complications. It is further submitted that even as per the complaint petition, the petitioner took the victim to the nursing home where she died. It is further submitted that the accusation of demand of dowry is specifically alleged against the husband of the victim who is residing in Madhya Pradesh.

Learned counsel for the complainant submits that due to negligence on the part of the petitioner and his family members, the daughter of the complainant died.

Considering the fact that the victim died in nursing home being admitted for the pregnancy complication and the complaint was filed after three and half months of the death of the victim, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like

amount each to the satisfaction of Ms. Kiran Chaturvedi, J.M. 1st
Class, Patna in Complaint Case No.602 of 2015, subject to the
condition as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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