

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53527 of 2017

Arising Out of PS.Case No. -230 Year- 2016 Thana -DIGHA District- PATNA

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SURENDRA PRASAD SINHA @ PROF. SURENDRA PRASAD @
SURENDRA PRASAD YADAV Son of Domi Lal Sinha, Resident of
Mohalla-Shivajee Nagar,P.S.-Digha, District-Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arndhendu Mauli Pd. Kumar
Mrs. Bela Singh

For the Opposite Party/s : Mr. Narsingh Tanti, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

3 08-12-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in connection
with Digha P.S. Case No. 230 of 2016 registered under Sections
304B, 498A, 120B and 34 of the I.P.C. pending in the Court of
Judicial Magistrate, 1st Class, Patna.

Earlier, prayer of the petitioner for anticipatory
bail was rejected on merit vide Cr. Misc. No. 7838 of 2017 on
04.05.2017 by this Court. Thereafter, he approached the Hon'ble
Supreme Court whereby and whereunder, the Hon'ble Apex
Court dismissed the S.L.P. of the petitioner but a liberty was
given to the petitioner to apply for regular bail. The petitioner



has again approached this Court with a prayer to grant anticipatory bail.

The fresh ground of learned counsel for the petitioner is that husband of the deceased is already in custody. The Charge-sheet has been filed against all the accused persons and the investigation is now pending against the petitioner. A F.I.R. has been lodged against the informant, father of the deceased, his wife and son for abetment of suicide committed by the deceased, as contained in Annxure-4 to the bail application. Further submission is that due to low back pain, petitioner was advised by the Doctor on different dates to take complete bed rest. Prescriptions of the Doctor have been annexed as Annexure 6 to the supplementary affidavit.

Learned A.P.P. appearing on behalf of the State opposed the prayer of the petitioner by contending that it is a peculiar case where three marriages have been done by the son of the petitioner. In the first marriage, there was divorce, in the second marriage, case under sections 498A and 304B of the I.P.C. has been lodged and in the last marriage, i.e. the present one, case under section 304B of the I.P.C. has been lodged by the mother of the deceased.

It is also submitted that petitioner was advised by



the Doctor to take bed rest only, which he is taking as the fresh ground for bail. However, he has never been admitted to the Hospital.

Further submission of learned counsel for the State is that in spite of clear observation of the Hon'ble Supreme Court on 28.08.2017, petitioner should have surrendered before the Court below and prayed for grant of Regular Bail.

Having considered the submissions of the learned counsel for the parties and in the facts and circumstances of the case, I do not find any fresh ground to reconsider the prayer of the petitioner for grant of anticipatory bail. Accordingly, it is, hereby, rejected.

(Arvind Srivastava, J)

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