

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43333 of 2017

Arising Out of PS.Case No. -256 Year- 2017 Thana -KATIHAR District- KATIHAR

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1. Anil Agrawal @ Anil Kr. Agarwal Son of Sri Moti Lal Agrawal, R/o Mohalla,- Power House Road, Near-Mahila College, In front of Clinic of Dr. P.L. Sah, P.S.- Katihar (Nagar), District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ambika Bhagat

For the Opposite Party/s : Mr. Narendra Kumar Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 22-12-2017 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner is languishing in judicial custody since 28.04.2017 in connection with Katihar (Town) P.S. Case No. 256/2017 for offences punishable under Sections 304-B/34 of the Indian Penal Code and Section 34 of the Dowry Prohibition Act.

The prosecution case, as lodged by the informant, is that his daughter Nitu Agrawal was married to the petitioner in the year 2009 and due to non-fulfillment of demand of Rs. 20 lakhs as dowry she has been killed by the petitioner and in-laws.

It has been submitted by the learned counsel for the petitioner that he is innocent, no overt act has been committed,



witnesses have stated that both the petitioner and his deceased wife had cordial relations and both have a 6-7 year old daughter. He submits that no case under Section 304-B of the IPC is made out as the marriage was solemnized in the year 2009. It is further submitted that postmortem report does not specify any external injury and even the viscera report, which has been received, specifies no sign of poison. He further submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the death occurred in the matrimonial house of the deceased.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar, in connection with Katihar (Town) P.S. Case No. 256/2017, subject to the conditions that:

- (1) Both the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the



petitioner.

- (2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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