

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47027 of 2018

Arising Out of PS.Case No. -59 Year- 2018 Thana -NAWANGAR District- BUXAR

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1. Anup Choudhary @ Anup Kumar @ Anup Kumar Choudhary Son of Jay Kumar Choudhary resident of Village - Karsar, P.S. - Nawanagar (Sonbarsa), District Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

For the Opposite Party/s : Mr. Sri Amitesh Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 07-09-2018 Heard the parties.

The petitioner is apprehending his arrest in connection with Nawanagar (Sonbarsa) P.S.Case No.59 of 2018 , registered for offences punishable under Sections 304(B), 201/34 of the Indian Penal Code.

Allegation against the petitioner as per FIR is that the case is of dowry death and the petitioner happens to be husband.

Submission of the learned counsel for the petitioner is that the FIR itself shows that she was taken for treatment at Ara and she was getting well, the informant was also there and later on she died. It appears that FIR was lodged after one month of the occurrence and it also appears that the informant had written a letter to the police that she died due to burn injury and no body is responsible for that, which will appear from Annexur-3.



Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, surrender before the court below within a period of six weeks from the date of order and on surrender he will be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Buxar in connection with Nawanagar (Sonbarsa) P.S.Case No.59 of 2018 subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the investigation of the case and make himself available as and when required by the Police, otherwise, the prosecution is free to move for cancellation of his bail bond.
- (iv) However, during the investigation, if any incriminating material comes against the petitioner, the prosecution is at liberty to move for cancellation of his bail bond.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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