

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56475 of 2018

Arising Out of PS. Case No.-22 Year-2014 Thana- DARPA District- East Champaran

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Amarjit Kumar Gupta Son of Shri Sonalal Prasad R/o Village Narkatiya
Bazaar P.S. Darpa, District East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Patanjali Rishi

For the Opposite Party/s : Smt. Veena Rani Prasad, APP.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 19-09-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case
registered under Sections 498A and 34 of the Indian Penal
Code.

Allegation against the petitioner is of committing
torture upon the victim due to non-fulfilment of demand of
dowry.

The earlier anticipatory bail application of the
petitioner was rejected by order dated 7.5.2015 passed in Cr.
Misc. No. 45292 of 2014 taking into account that since the
victim had died within a period of 07 years of marriage, hence,
the case is for an offence under Section 304B IPC.

The present application has been preferred for the



reason that cognizance in the present case has been taken on 8.5.2017 (Annexure-2 to the present application) for an offence under Section 498A/34 IPC and the case does not fall within purview of section 304B IPC. After the institution of the present case, the victim had died due to illness which is evident from Annexure-2 to the supplementary affidavit filed in Cr. Misc. No. 45292 of 2014 in which cause of death has been mentioned as cardiac pulmonary asystole and the manner of death is natural.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case due to petty family dispute. The case is triable by the Magistrate. The petitioner has relied upon the judgment of this Court in the case of ***Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182.***

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender



before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Raxaul, Motihari, East Champaran in connection with Darpa P.S. Case No. 22 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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