

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38211 of 2018

Arising Out of PS. Case No.-43 Year-2017 Thana- CHAPRA TOWN District- Saran

Surendra Rai @ Surendra Kumar, Son of Shivjee Rai, Resident of Mohalla-
Chhota Telpa, Police Station- Chapra Town, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Srivastva

For the Opposite Party/s : Mr. Anuj Kumar Srivastava

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 11-09-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 304B, 498A/34 of the Indian Penal Code and $\frac{3}{4}$ of Dowry Prohibition Act.

Allegation is that the accused persons including the petitioner committed murder of the daughter of the informant due to non-fulfilment of demand of dowry.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. Prior to institution of the present case, the informant had instituted Chapra Town P.S. case No.483 of 2016 dated 24.10.2016, which is Annexure 2 to the present application. In the said F.I.R., the date of occurrence is shown to be



07.10.2016. It is alleged that the petitioner and his family members had poured kerosene oil on the victim (deceased) and lit fire, due to which she sustained burn injuries, for which her treatment was going on in Samrat Emergency and Trauma Hospital, Bhagwat Nagar. Though in the said F.I.R. the date of occurrence is 07.10.2016, but still the F.I.R. was instituted on 24.10.2016. Delay has not been explained by the prosecution. Subsequently a separate complaint case was filed in respect of the same offence by the informant on 04.01.2017, where the date of occurrence is alleged to be 14.10.2016 with similar allegation. The F.I.R. was instituted on the basis of the said complaint under Section 156(3) Cr.P.C. The present bail is being sought for in the aforesaid case by the petitioner, which is Annexure 1 to the present application. As per Annexure 1, the date of occurrence is shown as 14.10.2016 as to when a complaint was made in respect of the same on 04.01.2017. Delay has not been explained. In para 21 of the case diary, the daughter of the victim has been examined. She has stated that due to accidental fire while cooking the mother of the victim (deceased) had sustained injuries, for which she was treated but later on she succumbed to the injuries. Similar statement has come in paragraph Nos.49, 50, 51, 52 and 53 of the case diary.



On behalf of the State, it is submitted that the petitioner is named in the 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 Chief Judicial Magistrate, Saran at Chapra in connection with Chapra Town P.S. case No.43 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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