

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.7938 of 2019**

Arising Out of PS. Case No.-169 Year-2018 Thana- JALALGARH District- Purnia

CHANDAN KUMAR YADAV @ CHANDAN YADAV, Son of Birendra  
Yadav R/o village- Hafania , P.S- Jalagarh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                            |   |                                 |
|----------------------------|---|---------------------------------|
| For the Petitioner/s       | : | Mr. Ram Prawesh Kumar, Advocate |
| For the informant          | : | Mr. Sanjay Singh, Advocate      |
|                            |   | Md. Fazle Karim, Advocate       |
| For the Opposite Party/s : |   | Mr. Suresh Prasad Singh, A.P.P. |

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**

ORAL ORDER

7      25-09-2019                      This application for anticipatory bail arises out of  
Jalalgarh P.S. Case No. 169 of 2018 disclosing the offence under  
Sections 304(B) and 201/34 of the Indian Penal Code.

The petitioner is husband of the deceased. This is an  
admitted fact that the deceased was married to the petitioner on  
29.06.2016 and died on 01.09.2018. The First Information  
Report was lodged on 09.10.2018 on the basis of letter dated  
3.10.2018, which the informant had addressed to the  
Superintendent of Police, Purnea.

I have heard learned counsel appearing on behalf of  
the petitioner, learned counsel for the informant and learned  
Additional Public Prosecutor for the State.



It transpires from the First Information Report itself, that the informant, instead of informing the Police about alleged occurrence, was negotiating with the petitioner and his family members, for return of the expenses incurred by him in marriage, and for transfer of a piece of land in favour of nine month old child of the deceased and the petitioner.

Learned counsel appearing on behalf of the petitioner has submitted that there has been inordinate delay of more than a month in lodging of the First Information Report which casts serious doubt over the motive of the informant in getting the criminal case instituted.

Learned counsel for the informant, has however, opposed the prayer for anticipatory bail and has submitted that considering the gravity of the offence, the petitioner does not deserve the said privilege.

However, I find substance in the submission advanced on behalf of the petitioner that the explanation for delay in lodging of the First Information Report cannot be said to be cogent.

Considering the above, this application is allowed. Let the petitioner, above-named, in the event of his arrest/surrender within six weeks from today in the court below, be released on



bail on furnishing bail bonds of Rs.10,000/- (ten thousand), with two sureties of the like mount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Purnea, in Jalalgarh P.S. Case No. 169 of 2018, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

**(Chakradhari Sharan Singh, J)**

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