

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13481 of 2019

Arising Out of PS. Case No.-622 Year-2018 Thana- NAUBATPUR District- Patna

Surya Prakash Son of Om Prakash Gupta @ Bhola Saw Resident of Village-
Khajauri, P.S.- Naubatpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 17-05-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner apprehends his arrest in connection with
Naubatpur P.S. Case No. 622 of 2018 registered for the offence
punishable under Sections 498A and 304B of the Indian Penal
Code.

Petitioner, who happens to be husband of the deceased
is said to have committed dowry death of the deceased in
association of his family members by strangulating.

It is submitted by learned counsel for the petitioner
that the petitioner is quite innocent and has committed no
offence. Petitioner has no concern with the aforesaid
occurrence. He has been falsely implicated in this case merely



because he happens to be husband of the deceased. The inquest report indicates that the victim has committed suicide and paragraphs 99 and 100 of the case diary goes to suggest that the petitioner was on duty as Guard of the goods train at Jhajha at the time of occurrence. Petitioner has no criminal antecedent. Hence, he deserves bail.

On the other hand, learned APP for the state opposing the bail prayer of the petitioner submitted that the petitioner happens to be husband of the deceased and there is specific allegation against the petitioner of demanding dowry, subjecting the deceased to torture and finally eliminating her by strangulation over the said demand in association of his family members. The postmortem report also indicates the cause of death due to asphyxia by strangulation. Case of alibi taken by the petitioner is not worth consideration at this stage. Hence, he does not deserve bail.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, his prayer is rejected.

However, petitioner is directed to surrender before the court below within six weeks and seeks regular bail and the court below shall pass order in accordance with law considering



the facts and circumstances of the case and the case of alibi supported by the I.O. during the course of investigation preferably on the date of filing of the bail petition without being prejudiced by this order.

(Prakash Chandra Jaiswal, J)

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