

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18796 of 2019

Arising Out of PS. Case No.-220 Year-2017 Thana- BARBIGHA District- Sheikhpura *

RANJAN KUMAR Son of Om Prakash Sah @ Ohm Prakash Sah, Resident
of Village-Masaurhi Chauk, P.S. and District-Jamui.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Vikram Deo Singh Mr.Satya Prakash Parasar
For the Opposite Party	:	Mr.Dinesh Singh, APP
For the Informant	:	Mr.Sanjeev Ranjan

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

ORAL ORDER

3 29-03-2019

Heard learned counsel for the parties.

This application for anticipatory bail arises out of Barbigha (Mission O.P.) P.S. Case No. 220 of 2017 for the offence under Section 498(A) and 304(B) of the Indian Penal Code.

The petitioner is the husband of the deceased. Allegedly, the in-laws of the deceased were instrumental in an attempt to get aborted foetus of the deceased in course of which she died.

Learned counsel appearing on behalf of the petitioner has submitted that as is evident from the First Information Report, there is vague allegation of demand of dowry, which cannot be said to be the reason of the death of the deceased. He has also submitted that no offence under Section



304B of the Indian Penal Code can be made out in view of the nature of allegation made in the First Information Report. It has further been argued that the police, upon completion of investigation, did not find the case to be true and accordingly has submitted final report. The court below, however, differing with the report of the police has taken cognizance, which has necessitated the petitioner approaching this Court for grant of anticipatory bail.

Learned counsel appearing on behalf of the informant, on the other hand, has opposed the prayer for bail and has submitted that considering the seriousness of the allegation, the petitioner does not deserve the privilege of anticipatory bail.

On perusal of the First Information Report, it appears that the deceased died on 19.03.2017, whereas the written report, which is the basis for registration of the First Information Report, was submitted on 02.05.2017. An undated letter, said to have been written by the deceased to her father, has been described as the basis for lodging of the First Information Report.

Considering the facts and circumstances, I am of the view that case for grant of anticipatory bail is made out since



the investigation is complete and learned counsel appearing on behalf of the petitioner has stated that the petitioner shall be present before the Court below as and when required for the purpose of trial.

This application is accordingly 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 bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Sheikhpura in Barbigha P.S. Case No. 220 of 2017, subject to the conditions 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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