

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23996 of 2019

Arising Out of PS. Case No.-572 Year-2018 Thana- NAUBATPUR District- Patna

Chitranjan Malakar @ Chitranjan Kumar, aged about 36 years, Male, Son of
Kamal Nayan Bhagat R/o Village- Sahar Rampur, P.S.- Naubatpur, District-
Patna.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Rajesh Kumar, Advocate

For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 17-04-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 341, 324, 326, 307, 34, 498(A) of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act registered in connection with Naubatpur P.S. Case No. 572 of 2018.

3. It is submitted that the petitioner has been falsely implicated and the accusation against the petitioner-husband is highly improbable in the backdrop of the fact that the petitioner and the informant were married about 24 years ago. This is the first time when any allegation of such nature has been made against the petitioner. It is further submitted that specific accusation has been made against co-accused Sumitra Devi and Gudiya Devi @ Sulochna Devi, who however have been granted anticipatory bail by the learned court below. It is further submitted that the petitioner expresses his readiness to keep his wife with due dignity and honour. The petitioner claims clean antecedents.

4. Learned APP submits that there is serious accusation in the FIR that the petitioner sprinkled kerosene oil on the informant



and set her on fire.

5. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on provisional anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Danapur, Patna in connection with Naubatpur P.S. Case No. 572 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

6. The provisional bail shall be confirmed on verification by the learned court below from the case diary and the injury report, if any, that the informant has not suffered any burn injury. In case it is found that she has suffered burn injuries, the provisional bail granted to the petitioner shall stand automatically cancelled.

BT/-

(Vikash Jain, J)

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