

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32234 of 2019

Arising Out of PS. Case No.-523 Year-2017 Thana- SASARAM NAGAR District- Rohtas

Nagendra Kumar Chadrabanshi @ Munna Chandrabanshi Son of Heera Chandrabanshi R/o village Varadih PS Tilauthu District Rohtas

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.D.K. Sinha
		Mr. Ashutosh Tripathy
For the Opposite Party/s	:	Mr.Ashraf Ansari

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 28-08-2019 Heard learned senior counsel for the petitioner as well as
learned Addl. Public Prosecutor for the State.

Earlier prayer for bail of the petitioner was rejected on 06.04.2018 in Cr. Misc. no. 12711/2018. Prayer has been renewed by this application.

Learned Senior Counsel for the petitioner submits that bare perusal of FIR would show that in fact petitioner has eloped with victim in the year 2015 and marriage between the parties took place. In the FIR there is no allegation of demand of dowry.

Allegations made in the FIR coupled with the fact of elopement leaves no scope for the offence under section 304B of the IPC relating to demand of dowry being committed by the petitioner.

It is further submitted that co-accused Heera Chandrabanshi, Urmila Devi and Mannu Kumar have been allowed anticipatory bail by a coordinate bench of this court vide order dated 21.09.2017 passed in Cr. Misc. no. 43170/2017.



Learned Addl. P.P. has opposed the prayer for bail submitting that the petitioner is husband of the victim and allegation is under section 304B IPC.

Considering the facts that the petitioner is in jail custody since 23.04.2017, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of 7th Addl. Sessions Judge, Rohtas at Sasaram in Sessions Trial no. 342/2017 arising out of Sasaram (Model) P.S. Case no. 523/2017 subject to the following conditions.

(1) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

s.hassan/-

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(Madhuresh Prasad, J)

