

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51835 of 2019

Arising Out of PS. Case No.-257 Year-2018 Thana- MAHARAJGANJ District- Siwan

SANJAY PRASAD @ VIJAY PRASAD Son of Late Dharamdeo Prasad
Resident of Village - Deoria, P.S.- Maharajganj, Distt - Siwan, presently
residing at Mahamayatala Mandal Para, Rajpur, Sonarpur (M), South 24
Pargana, P.S.- Sonarpur, Distt - West Bengal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh

For the Opposite Party/s : Mr.Meena Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 21-08-2019 A supplementary affidavit has been filed on behalf of
the petitioner, let the same be kept on record.

Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Maharajganj Police Station Case No. 257 of 2018,
disclosing offences under Sections 304-B/201/34 of the Indian
Penal Code.

The allegation against the petitioner, as per the First
Information Report, is that the petitioner, along with other
family members, demanded dowry from the informant and her
daughter (deceased) and due to non-fulfillment of the said
demnd, he deceased has been killed by the petitioner and other



family members.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case inasmuch as the petitioner is not residing along with his brother, i.e. the husband of the deceased, and he used to reside separately at Kolkata and he has no concern with the affairs of his brother, Ratan Prasad. In support of the said submission, he relies on the Adhar card, voter identity card and ration card, annexed with the supplementary affidavit filed today. He further submits that the petitioner is the elder brother of the husband of the deceased and similarly situated person, i.e. another elder brother of the husband of the deceased, has been granted anticipatory bail by this Court by order, dated, 22.04.2019, passed in Criminal Misc. No. 25743 of 2019 on the similar ground that he was also residing at Kolkata.

After having heard learned Counsel for the parties and taking into consideration the fact that on similar ground, this Court has granted anticipatory bail to the similarly situated co-accused person, I am inclined to grant the petitioner privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioner, Sanjay Prasad @ Vijay Prasad, in the event of his arrest or surrender before the Court below



within four weeks, 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 learned 5th Additional Chief Judicial Magistrate, Siwan, in connection with Maharajganj Police Station Case No. 257 of 2018, subject to the condition 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 bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

U	✓	T	✓
---	---	---	---

