

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56530 of 2019

Arising Out of PS. Case No.-745 Year-2018 Thana- BARACHATTI District- Gaya

Md. Allauddin @ Allauddin @ Shambhu Son of Lal Mohammad, Resident of
Village - Chorneema, Sagarpur, P.S.- Barachatti (Mohanpur), District- Gaya.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma, Advocate

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 20-11-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking anticipatory
bail in connection with Barachatti (Mohanpur) P.S. Case No. 745
of 2018 registered for the offences punishable under Sections
304(B) and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
deceased was mentally disturbed woman and she did not want to
live at her Sasural and she always threatened to commit suicide
and finally, the said victim herself committed suicide and in this
regard the mother of the deceased had lodged *Sanha* in which she
had also declared that her daughter was of unsound mind since long
and had committed suicide but two days after she had changed her
opinion and filed the present case.



Learned A.P.P. for the State has opposed the prayer for anticipatory bail.

Considering the facts and circumstances of this case, where the petitioner has been able to demonstrate from the materials available in the case dairy that at the first opportunity the mother of the informant had herself submitted an information saying that her daughter died due to hanging. Mother of the deceased had lodged *Sanha* in which she had also declared that her daughter was of unsound mind since long and had committed suicide but two days after she had changed her opinion and filed the present case under Section 304(B) of the Indian Penal Code alleging demand of dowry and cruelty as also further material that in Paragraph 9, 10, 11 and 12 independent witnesses have stated that the victim was of unsound mind and had committed suicide and further that a learned Co-ordinate Bench has granted privilege of anticipatory bail to the father-in-law and mother-in-law of the deceased in Cr. Misc. No. 36098 of 2019 vide order dated 16.11.2019 and this Court finds no reason to distinguish the case of the petitioner, in the event of his arrest or surrender within a period of four weeks from today, let the petitioner abovenamed be enlarged on bail on furnishing bail bonds of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate,



Sherghati, Gaya in connection with Barachatti (Mohanpur) P.S.
Case No. 745 of 2018, subject to the condition as laid down under
Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself
available for interrogation by a police officer as and when
required;

(ii) a condition that the person shall not, directly or
indirectly, make any inducement, threat or promise to any person
acquainted with the facts of the case so as to dissuade him from
disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India
without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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