

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11876 of 2020

Arising Out of PS. Case No.-371 Year-2019 Thana- NAUBATPUR District- Patna

Akhilesh Saw (Male aged about 35 years) son of Uday Saw, resident of village-
Vichchhedi, P.S. Naubatpur, District Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rudra Deo, Adv.

For the Opposite Party/s : Mrs. Pushpa Sinha-1, APP.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 27-08-2020 Heard learned counsel for the petitioner and learned
APP for the State, through video conferencing.

The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in connection with Naubatpur P.S. Case No. 371 of 2019 registered under sections 304B, 498A, 201, 323 and 504 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

As per allegation in the FIR, the petitioner was married to the daughter of the informant in the year 2014. Four children were born out of the said wedlock. It is stated that the informant's daughter was tortured for non-fulfilment of demand of dowry, as such, she was staying in her parents house. It is stated that the accused persons took her to Rajkot, where she was done to death and her body was made to disappear.



It is submitted by learned counsel for the petitioner that for an occurrence of 17.5.2019 at Rajkot in the State of Gujrat, the complaint was filed in Danapur, Bihar on 21.5.2019. Thereafter on direction of the Court, the FIR was registered on 8.6.2019. Referring to Annexure-2, it is submitted that the same is the post mortem report of the daughter of the informant from which it would transpire that she died due to asphyxia together with the hanging for which un-natural death information was given by the petitioner to Malviyanagar police station at Rajkot, Gujrat, post mortem was done at Pandit Dindayal Upadhyay General Hospital at Rajkot and a U.D. case was also instituted. For the same occurrence, this second case has been instituted with false and incorrect allegations. It is submitted that the deceased was a patient of mental disease and had committed suicide. The petitioner has no criminal antecedent.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the fact that the occurrence has taken place in the State of Gujrat, the postmortem report conducted at Gujrat has been brought on record as Annexure-2 and the petitioner not having any criminal antecedent, the Court is



inclined to enlarge the petitioner on anticipatory bail. The petitioner is directed to surrender in the Court below within a period of eight weeks from today and in the event of his arrest or surrender in connection with Naubatpur P.S. Case No. 371 of 2019, he shall be enlarged 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 ACJM-II, Danapur, Patna subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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