

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27398 of 2020

Arising Out of PS. Case No.-416 Year-2019 Thana- PATNA CITY CHOWK District- Patna

NIRANJAN SINHA @ NIRANJAN KUMAR SINHA Son of Narendra Prasad Resident of Mohalla- Dundi Bazar, Patnacity, P.S.- Chowk, District- Patna.

... .. Petitioner

Versus

1. THE STATE OF BIHAR Bihar
2. Chanda Sinha @ Chanda Rani W/o Shashi Ranjan Sinha Resident of Parmeshwar Sumitra Sadan, Dundhi Bazar, Patnacity, P.S.- Chauk, District- Patna.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pramod Kumar, Advocate
For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 27-11-2020 As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Mr. Bharat Lal, APP is appearing for the State as it is submitted that the brief has been allotted to him by the office of Advocate General.

Heard learned Counsel for the petitioner and the learned Counsel for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.



Petitioner apprehends arrest in Chowk PS Case No. 416 of 2019 registered under Sections 498A, 307, 504, 506/34 of the IPC and Sections 3 / 4 of Dowry Prohibition Act.

The petitioner along with other co-accused persons are alleged to have committed torture with the informant due to non fulfilment of demand of dowry and pushed her from the roof causing serious injuries.

Learned Counsel for the petitioner submits that the petitioner is “Bhaisur” and is separate from the establishment of the informant and her husband since last about 12 years. The informant earlier had also lodged a case against her in-laws including her mother-in-law but the petitioner was not an accused in that case. Now on extraneous consideration he too has been dragged in the instant case though it is actually the petitioner who admitted the injured in the hospital and facilitated her treatment/recovery. The petitioner has no criminal antecedent.

Learned APP for the State has opposed the prayer for anticipatory bail.

Having considered the rival submissions this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

Accordingly, let the petitioner above named, in the event of arrest or surrender before the court below within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of ACJM II, Patna City. in Chowk PS Case No. 416 of 2019 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also the following conditions:-

(i) 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.

(ii) That the petitioner will be well represented on each



date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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