

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.60640 of 2019**

Arising Out of PS. Case No.-310 Year-2017 Thana- MOTIHARI TOWN District- East  
Champaran

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Sujeet Kumar Sinha, Son of Late Dineshwar Prasad Sinha, Resident of  
Mohalla - Lala Tola, New Agarwa, Motihari, P.S. - Motihari Town, District -  
East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Arti Kumari, Wife of Sujeet Kumar Sinha, Resident of Mohalla - Lala Tola,  
New Agarwan, Motihari, P.S. - Town Motihari, District - East Champaran.  
Daughter of Nandan Prasad, Resident of Mohalla - Chandmari, P.S. - Town  
Motihari, District - East Champaran.

... .. Opposite Party/s

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**Appearance :**

|                          |   |                                                                    |
|--------------------------|---|--------------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Yogesh Chandra Verma, Sr. Advocate<br>Mr. Anuj Kumar, Advocate |
| For the Opposite Party/s | : | Mr. Jitendra Kumar Singh, APP                                      |

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

6      17-06-2020                      The matter has been listed today for consideration  
  
through video conferencing in view of the nationwide lockdown  
  
on account of COVID-19 pandemic.

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.

Heard Mr. Yogesh Chandra Verma, learned Senior  
Counsel appearing for the petitioner and the learned APP for the  
State.

The prayer in the instant application is for grant of  
anticipatory bail to the petitioner, who is an accused in Motihari



Town P.S. Case No.310 of 2017 arising out of Complaint Case No.174/17, lodged by the petitioner's wife Arti Kumari for the alleged offence punishable under Sections 307, 328, 406, 498A read with 34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

It is submitted by the learned Senior Counsel appearing for the petitioner that the entire prosecution case is based on extraneous considerations and is false. It is evident from the fact that the wife had filed the complaint but did not give information to the police. The complaint which was lodged on 28<sup>th</sup> January, 2017 contains allegation of administering poison against the present petitioner on 25.12.2015. The petitioner is said to be a man of clean antecedents.

The case diary had earlier been called for. Referring to paragraphs 24 and 25 of the same, it is submitted by the learned counsel for the petitioner that the brother and sister of the complainant (since deceased) have stated in the course of investigation that she died during the course of treatment of her diseases on 20.07.2017. The further attention of the Court is drawn to the compromise petition (Annexure2), which is duly affidavited and filed by the brother of the complainant (since deceased).



Learned APP for the State has opposed the prayer for pre-arrest bail.

Considering the rival submissions, this Court is inclined to allow the prayer made on behalf of the petitioner for grant of anticipatory bail.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, 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 the learned C.J.M., East Champaran at Motihari, in connection with Motihari Town P.S. Case No.310 of 2017, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to 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)**

PNM

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