

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35982 of 2020

Arising Out of PS. Case No.-73 Year-2019 Thana- SHIVSAGAR District- Rohtas

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Anup Kumar, Son of Jaggannath Chandarwanshi @ Jagarnath Kahar,
Resident of Village - Rasendua, P.O.- Dumri, P.S.- Shivshagar, Distt.- Rohtas
(Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Aakanchhi Kumari @ Akanchhi Devi, Resident of Village - Gopalganj, P.O.
and P.S.- Sasaram (Nagar), Distt.- Rohtas, Bihar, Pin-821115.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, No.10, Adv.
For the Opposite Party/s : Md. Aslam Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 24-05-2021 Heard Mr. Sunil Kumar Singh, No. 10, learned

Advocate for the petitioner and Md. Aslam Ansari, learned

APP for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Shivsagar P.S. Case No. 73 of
2019, dated 11.03.2019, instituted for the offences under
Sections 341, 323, 504, 506, 498(A) and 34 of the Indian



Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The petitioner is the husband of the opposite party No. 2.

At the outset, the learned counsel for the petitioner has submitted that his wife has died and the present case is being prosecuted with viled intentions. He has further submitted that two other cases have been lodged against him; one against the petitioner in his capacity as husband and the other against unknown for the death of his wife. In that case also, the police has though interrogated the petitioner, but has not found it appropriate to take him into custody.

The learned counsel for the petitioner, therefore, submits that that there would be no advantage to the prosecution in seeking the custody of the petitioner in the present case.

Considering the aforesaid submissions on behalf of the petitioner, this Court directs that in the event of the petitioner's arrest or surrender before the learned Court below within a period of eight weeks, he is directed to be



released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sasaram, Rohtas in connection with Shivsagar P.S. Case No. 73 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

However, it is made clear that before giving effect to this order and accepting the bail-bonds of the petitioner, the Court below will try and find out whether he is wanted in the two others cases and in case it is found that he is absconding in the aforesaid two cases, this order shall not be given effect to and it would be deemed to be *non est*.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

Praveen-II/-

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