

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13500 of 2022

Arising Out of PS. Case No.-316 Year-2021 Thana- SASARAM NAGAR District- Rohtas

SANJEEV KUMAR, Son of Deomuni Mahto, Resident of Village - Barki
Karpurwa, P.S.- Darigaon, Distt.- Rohtas.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ramchandra Singh, Advocate
For the Opposite Party : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 04-04-2022 Heard learned counsel for the parties.

Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

This application for anticipatory bail arises out of Sasaram (T) P.S. Case No. 316 of 2021 registered for the offence punishable under Section 304-B/34 of the Indian Penal Code.

The petitioner is the husband of the deceased. The marriage was solemnized in the year 2017. The petitioner and deceased have two children one is 2 years old and another is 9 months old.

It has been submitted by learned counsel for the petitioner that the deceased had taken *sulphas* and she was treated but during the course of treatment she died and the



parents of the deceased have given in writing to the Police that they do not want to lodge any case and they also do not want postmortem to be done and only thereafter the deceased was cremated. Now, under wrong advise the present case is registered in which the parties have entered into a compromise. It has also been submitted that children are staying with the petitioner.

Considering the aforesaid submissions of learned counsel for the petitioner, this bail application is allowed.

Let the petitioner, above named, in the event of his arrest/surrender within four weeks from today in the Court below, 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 Chief Judicial Magistrate, Sasaram, in connection with Sasaram (T) P.S. Case No. 316 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

However, at the time of accepting the bail bonds of the petitioner, the Court below shall verify itself as to the genuineness of the compromise and shall also verify from the children as to whether they are staying with the petitioner nor not. If the compromise is found to be genuine and children say



that they are staying with the petitioner then, the bail bonds of the petitioner shall be accepted by the Court below. If the compromise is disputed by the informant and children say that they are not staying with the petitioner, in such circumstance, the Court below shall not accept the bail bonds of the petitioner and he shall be taken into custody.

(Sandeep Kumar, J)

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