

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19370 of 2022

Arising Out of PS. Case No.-500 Year-2016 Thana- MADHAURAH District- Saran

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SANJAY BHAGAT @ SANJAY BHAKT Son of Surendra Bhagat, Resident
of Village- Chiuaha, P.S.- Baikunthpur, District- Gopalganj.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Satyapal Singh, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 20-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Marhaura P.S. Case No. 500 of 2016 lodged under Section
304(B) read with Section 498A of the Indian Penal Code.

The present case has been lodged as complaint case
No.1739 of 2016, subsequently converted into F.I.R. Marhaura
P.S. Case No. 500 of 2016 after direction of the Court under
Section 156(3) of the Cr.P.C.. The allegation of dowry death and
tortured by the husband and his family members are made in the
F.I.R.

Learned counsel for the petitioner submits that the
date of occurrence is 14.06.2016 and about the said occurrence
the first information was lodged by the mother-in-law of the

deceased before the S.H.O. of the police station, on the basis of which, U.D. Case No. 02 of 2016 dated 15.06.2016 lodged (Annexure-2). Subsequently, a complaint was filed bearing Complaint No. 1739 of 2016 on 24.06.2016 before the C.J.M., Chapra, Saran, who has referred this case under Section 156(3) of Cr.P.C. for lodging the F.I.R. Thereafter, the present case i.e. Marhaura P.S. Case No. 500 of 2016 has been lodged under Sections 304(B) and 498(A) of the Indian Penal Code in which the present petitioner is seeking bail.

Learned counsel for the petitioner further submits that the allegation of dowry death or of 498A by the husband of the deceased after about a week of the occurrence has not correct, on any early occasion there is not a single chit of paper or complaint or information has been filed any where by the informant. He further submits that the present case has been filed by the father of the deceased on the instruction of unknown enemies of the petitioner. Learned counsel for the petitioner also submits that in the F.I.R. the specific allegations were made by the father of deceased against his samdhin (petitioner's mother) though they are false. He further submits that other three co-accused were granted anticipatory bail vide order dated 30.07.2018 by the Co-ordinate Bench of this Court in Cr. Misc.

No. 45990 of 2018 (Annexure-3).

Learned counsel for the State opposes the prayer for bail and submits that though information was given by the petitioner's family earlier which was registered in U.D. case, subsequently the present F.I.R. has been filed and in case, bail shall be granted, the petitioner may create hurdle during trial.

Considering the facts and circumstances as well as the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran, Chapra in connection with Marhaura P.S. Case No. 500 of 2016, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

The petitioner is directed to appear before the lower Court on each and every date, in case of non-appearance for two consecutive dates, shall resulted into cancellation of his bail bond.

With this observations, the bail application is allowed.

(Dr. Anshuman, J.)

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