

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46657 of 2021

Arising Out of PS. Case No.-28 Year-2021 Thana- BALTHAR District- West Champaran

SANTOSH PASWAN S/O GOPAL PASWAN R/o village- Nagma, P.S.- Fatehpur, Distt.- Gaya, at present residing at Niyajipur, Tola Chaurahi, P.S.- Chandauti, Distt.- Gaya presently posted as Lance Naik, Unit No. 6, Mountain Division Signal Regiment, Bareilly (U.P.)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar, Adv.
For the Opposite Party/s	:	Mr.Ram Naresh Ray, APP Mr.Kaushlendra Kumar, Adv. Mr.Subhash Patel, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-04-2022 Heard learned counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor for the State through virtual Court proceedings.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 306/34 of the Indian Penal Code and section 4 of Dowry Prohibition Act.

Allegedly, due to the mental torture meted to the daughter of the informant for demand of dowry by her would-be groom



and his family members, she committed suicide.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case only on the ground that he is the elder brother of the co-accused Parshuram Kumar Rana, with whom the deceased was to marry. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. The specific allegation is against the co-accused Parshuram Kumar Rana, who is in judicial custody and this petitioner is an Army man and was posted at Bareilly on the alleged date of occurrence. The petitioner has never made any dowry demand or any article from the informant or her family members. Petitioner has no criminal antecedent.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, since there is no specific overt act against the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.



25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Balthar P.S. Case No.28/2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

pallavi/-

U		T	
---	--	---	--

