

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35847 of 2022

Arising Out of PS. Case No.-115 Year-2021 Thana- NAUTAN District- Siwan

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ABHISHEK KUMAR PRAJAPATI @ ABHISHEK KUMAR PANDIT @
ABHISHEK PANDIT Son of Ram Pukar Pandit Resident of Village - Sagra,
P.S.- Nautan, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mishra, Advocate

For the Opposite Party/s : Mr. Ramchandra Sahni, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 304(B), 201 and 34 of the Indian Penal Code.

The informant alleges that his daughter was married with the petitioner on 08.03.2020, after marriage the petitioner along with other named accused persons were demanding dowry of Rs. 1,00,000/- and for non-fulfillment of the same his daughter was tortured, it is next alleged that on 06.06.2021 the informant received an information on his phone that his daughter has been killed and her in-laws are going to burn her dead body, accordingly, he reached the place of occurrence and found all the accused persons along with 10-15 unknown were



cremating the dead body, further upon his protest the accused persons assaulted him and snatched his mobile.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and has been falsely implicated in the present case, it is next submitted that from perusal of Annexure-2 it would manifest that the deceased was suffering from Covid and she was being treated at Shri Ram City Scan Centre, it is further submitted that informant is not an eye witness to the occurrence and subsequently realizing her mistake the informant has filed an application before the Court of learned Magistrate Ist Class Shrimati Hena Mustafa wherein she has stated that the institution of the present FIR was a mistake as the cremation of the dead body of his daughter was performed in his presence. Learned counsel thus submits that when the informant herself has resiled and Annexure-2 corroborates the fact that the deceased died on account of Covid infection, as such, sending the petitioner to jail at this stage would amount to travesty of justice.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the



event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Nautan P.S. Case No. 115 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further, the learned trial Court before accepting the bail bonds of the petitioner shall verify from the learned counsel appearing on behalf of the informant that as to whether the said petition has been filed by the informant in the Court of learned Magistrate or not and in the event if it is found that the application has been filed by the informant before the learned Magistrate as aforesaid, the present anticipatory bail order shall be acted upon forthwith and if it found that the application has not been filed by the informant then the present anticipatory bail order shall not be given effect.

(Satyavrat Verma, J)

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