

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59707 of 2021

Arising Out of PS. Case No.-8 Year-2021 Thana- BAJPATTI District- Sitamarhi

UDIT NARAYAN PATHAK Son of Late Harischandra Pathak R/o Village -
Mahuain, P.S. - Bajpatti, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-06-2022 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, 498(A) and 120(B)/34 of the Indian Penal Code read with Sections 3 and 4 of the Dowry Prohibition Act.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent, aged about 72 years and is the father-in-law of the deceased.

The present FIR arises out of a complaint wherein the informant alleges that his daughter Nisha Pathak was married to the son of the petitioner on 02.02.2017 and soon after marriage the accused persons started demanding dowry of Rs.5,00,000/- and a four wheeler thereafter the informant by cheque and cash gave Rs.1,50,000/-. It is further alleged that daughter of the informant was killed on 18.09.2020 on the order of the father-in-law and the



mother-in-law by four accused persons named in the complaint and the dead body was disposed of without informing the informant.

Learned counsel for the petitioner further submits that the petitioner has been falsely implicated in the present case. It is next submitted that after marriage a child was also born out of the wedlock. It is next submitted that the deceased was suffering from chronic Diabetes and Thyroid disorder for which she was taking insulin thrice a day but this was not disclosed to the family of the petitioner prior to the marriage. It is next submitted that deceased was even treated at Mumbai for long. It is next submitted that the deceased had fallen ill while she was staying at Sitamarhi where she was taken to Shriram Heart Hospital Kidney and Stone Centre, Sitamarhi by the present petitioner and Shilpi Pathak. Learned next submits the date of occurrence is 18.09.2020 and the informant alleges that he was informed about the occurrence on 23.09.2020. It is next submitted that thereafter the informant instead of approaching the police filed a complaint case on 20.10.2020 i.e. merely after a month of the occurrence and the present FIR came to be instituted on 11.01.2021. It is, thus, submitted that the conduct of the informant in dealing with the case creates suspicion. It is further submitted that petitioner is the father-in-law of the deceased and he is an old person and no specific allegation has been alleged against him except that daughter of the informant was killed on the order of the petitioner and the mother-in-law when the informant is not an eyewitness of the



occurrence. Learned counsel further submits that husband of the deceased is also availing his remedy available in law.

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 and the fact that petitioner is the father-in-law of the deceased, the petitioner above-named, in the event of his arrest or surrender before the learned Court below 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 court below where the case is pending/successor court in connection with Bajpatti P.S. Case No. 08 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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