

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49782 of 2022

Arising Out of PS. Case No.-708 Year-2021 Thana- AKBARPUR District- Nawada

Nitish Kumar S/O Shailendra Singh, Resident Of Village- Pakri, P.S.- Akbarpur, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Arun, Advocate

For the Opposite Party/s : Mr.Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 18-11-2022 Let the defect, if any, be removed within two weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Akbarpur P.S. Case No. 708 of 2021 lodged under Sections 302, 498(A) and 201/34 of the I.P.C.

As per prosecution case, the informant has disclosed that the marriage of his daughter was solemnized with the petitioner 8 years prior to this event, according to Hindu Rites and Rituals. It has been stated that after lapse of 8 years, there was no issue to his daughter. Allegation has been made against 5 named accused persons i.e. the entire family members of the petitioner for the demand of dowry. All used to assault his

daughter and informant received information on 18.11.2021 at about 7.00 am that his daughter was killed. Thereafter, this case has been lodged and body has been taken by the police.

Learned counsel for the petitioner submits that the content of the F.I.R. is absolutely false. He further submits that the petitioner never tortured to the deceased. He further submits that there is not a single chit by which the informant can show that in last about 8 years petitioner has ever been used any hard language against the deceased. Counsel has categorically mentioned in para-8 of the petition that prior to her death, deceased was critically ill and for her treatment, petitioner visited to the different doctors including PHC Akbarpur, Pawapuri Hospital and then PMCH, Patna. Counsel also submits that during her treatment in PMCH, Patna, she died on 17.11.2021 at PMCH itself. The family returned with the dead body to the village then at the instance of the enemy of the village, the family of the informant visited and on their instance the case has been filed. Counsel for the petitioner specifically mentioned that when police has come, the petitioner has handed over the entire prescription and death discharge slip to the police showing that they are innocent but police under influence of the informant has not acknowledged about the prescriptions and

illness etc. and arrested the entire family members of the petitioner. Counsel for the petitioner further submits that antecedent of the petitioner is clean and he is in custody since 20.11.2021.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Akbarpur P.S. Case No. 708 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C..

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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