

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49793 of 2023

Arising Out of PS. Case No.-175 Year-2022 Thana- FATUA District- Patna

PINTU KUMAR SON OF SRIKANT SHARM @ SRIKANT SINGH
RESIDENT OF VILLAGE- KHOKHUNA, P.S FATUHA, DIST- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-10-2023 Heard Mr. Anand Kumar, learned counsel for the petitioner as well as Mr. Anil Kumar, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Fatuha P.S. Case No.175 of 2022, F.I.R. dated 02.03.2022 registered for the offence punishable under Sections 304B/201/34 of the Indian Penal Code.

3. The prosecution case, in short, is that daughter of the informant after the marriage subjected to the domestic violence and after that her daughter was died. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and has falsely been implicated in the present case merely on the ground that the petitioner is husband of the deceased. He further submits that the allegation



as alleged in the FIR with respect to the demand of dowry as well as regarding domestic violence is incorrect and false, in fact on 01.03.2022 the deceased was suddenly admitted in the hospital and during course of treatment she has died on 02.03.2022 and cause of death mentioned in the death certificate is due to cardiac arrest, which suggests that the petitioner has not committed anything wrong with the deceased and no other cogent material has come to suggest the involvement of the petitioner in the present occurrence.

5. Learned APP for the State, on the other hand vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Patna City in connection with Fatuha P.S. Case No.175 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-



(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.

(ii) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of anticipatory bail.

(iii) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of anticipatory bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Prakash Narayan

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