

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74645 of 2022

Arising Out of PS. Case No.-131 Year-2021 Thana- SINGHWARA District- Darbhanga

Gulab Sahni @ Gulab Kumar Sahni S/O Umesh Sahni Resident of village-
Bhajora, Tole, Bhagwanpur, P.S.- Singhwara, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sital Sahni S/O Ruplal Sahni Resident of village- Rampur (Basait), P.S.-
Benipatti, District- Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate

For the Opposite Party/s : Dr. Mrityunjaya Kr. Gautam, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-04-2023 Heard Mr. Girish Chandra Jha, learned counsel
appearing on behalf of the petitioner and Dr. Mrityunjay Kumar
Gautam, learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection
with Singhwara P.S. Case No. 131 of 2021, registered for the
offences punishable under Sections 328, 304(B)/34 of the Indian
Penal Code.

The allegation against all the accused persons,
including the petitioner, is of causing death of the daughter of
the informant on account of non-fulfillment of dowry.

Submission has been made on behalf of the petitioner
that in fact the FIR has been instituted on the misconception and



having realised this mistake, the informant has filed a petition before the learned trial court. It is further submitted that since the informant does not intent to pursue the case against the accused persons and, as such, sending the petitioner to jail would not serve any purpose. He next submitted that taking into account the aforesaid facts, the co-ordinate Bench of this Court in Cr. Misc. No. 1753 of 2022 *vide* order dated 08.08.2022 has allowed the privilege of anticipatory bail to the father-in-law and mother-in-law of the informant. He lastly submitted that the petitioner having fair antecedent and on the alleged date of death he was on duty and in support of that Annexure-4, the attendance chart has been brought on record.

On the other hand, learned counsel for the State vehemently opposed the bail application and submits that the offence is not compoundable and there is specific allegation that the petitioner is instrumental in causing the death of the deceased.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petition has been filed on behalf of the informant who submitted that the present FIR has been instituted on misconception of fact and he does not intent to pursue the matter, coupled with the position that the



father and mother-in-law of the deceased have been allowed the privilege of anticipatory bail, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned concerned Judicial Magistrate 1st Class, Darbhanga, in connection with Singhwara P.S. Case No. 131 of 2021, subject to the conditions laid down in Section 438(2) Cr.P.C.

The learned trial court before accepting the bail bonds of the petitioner shall notice to the informant and in the event, the informant submits that the compromise is genuine then the present order shall be acted upon and if the informant denies the compromise, then the present order shall not be acted upon.

(Harish Kumar, J)

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