

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15487 of 2024

Arising Out of PS. Case No.-285 Year-2022 Thana- BIHAR District- Nalanda

Sunny Kumar @ Rahul Kumar S/O RAJENDRA PRASAD R/O VILLAGE-
MEGHI, PS.- DEEPNAGAR, DIST.- NALANDA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv

Mr. Sudhir Kumar, Adv

For the Opposite Party/s : Mr. Anish Chandra, APP

Mr. Sudhir Kumar Raj, Adv

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 13-03-2024 **1.** Heard learned senior counsel for the petitioner, Mr. N.K. Agrawal, and learned A.P.P. for the State along with learned counsel for the OP No. 2.
- 2.** The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 304B, 341, 323 and 34 of the Indian Penal Code and Sections 3 and 4 of Dowry Prohibition Act.
- 3.** The learned senior counsel for the petitioner submits that petitioner, being brother-in-law of the deceased, has been falsely implicated in the instant case by the informant, who is brother of the deceased. It is next submitted that the informant alleges that his sister was married to Nitish in the year 2016, and after marriage, she was staying in a rented house with her



husband at Naisarai town. Further, the accused persons, including the petitioner, after marriage started demanding motorcycle and Rs. 5 lakhs and on account of non-fulfillment of the demand, the victim was tortured. Further, on 22-4-2022 at 2:00 am in the night, the informant received an information from the neighbour of his sister that she had been killed. Accordingly, he reached the place of occurrence where police was present from before and the dead body was sent to Sadar hospital, Biharsariff for post-mortem.

4. The learned counsel submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that the allegations are general, omnibus and ornamental in nature. It is further submitted that the deceased was staying with her husband separately in a rented premises. It is also submitted that police after investigation submitted final form exonerating the petitioner of the allegation as alleged in the FIR. It is thus submitted that when police after threadbare investigation came to a considered conclusion that petitioner is innocent, whether it would be prudent for this court to send the petitioner to judicial custody.

5. The learned APP along with learned counsel appearing on behalf of the OP No.2 opposes the anticipatory



bail application but then are not in a position to rebut the submission of the learned senior counsel that police after investigation has submitted final form in favour of the petitioner.

6. Considering the submissions made by the learned senior 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. 5,000/- (Rupees Five 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 Bihar P.S. Case No. 285 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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