

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81367 of 2023

Arising Out of PS. Case No.-559 Year-2022 Thana- ARA NAGAR District- Bhojpur

VIKASH KUMAR S/O LATE VED PRAKASH GUPTA VILLAGE-
MAHADEVA, PS. ARA TOWN, DIST. BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 21-03-2024 Heard Mr. Rakesh Kumar, learned counsel for the
petitioner and the State.

2. The petitioner is apprehending arrest in connection with Ara Town P.S. Case No. 559/2022 instituted under Sections 304(B), 201, 120(B) of the Indian Penal Code lodged on 23.6.2022 by the informant, Pallavi Sah.

3. As per the prosecution story, the informant alleged that her niece was married to this petitioner in the year 2021 but was tortured for dowry and on the fateful day, she came to know about her death/killing and when reached the place, they escaped. Accordingly, the FIR.

4. Learned counsel for the petitioner submits there was very cordial relationship between them and at no point of



time any complaint was lodged against them. The submission is that the lady was anaemic even before her marriage and once she was pregnant, was regularly checked by the Doctor but on the fateful day, she complained of chest pain, was taken to the Doctor at Ara who considering the condition of the petitioner having seen the symptom of chest pain as also sweating and palpitation, advised to move to IGIMS, Patna but on way, she died. This was known to the informant's side who is actually the aunt (Mami) and in fact she had no good relationship with the lady has informed to him which which turned her into anaemic even before the marriage.

5. Learned APP opposes the prayer stating that he is husband.

6. From the aforesaid submission of the learned counsel for the petitioner, this Court is satisfied that a case for grant of anticipatory bail has been made out as there is prescription of the retired Civil Assistant Surgeon who advised the lady to move the IGIMS, Patna, the petitioner is ready to appear in the trial diligently, FIR lodged, he do not have any criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail.

7. Let the petitioner be released on bail, in the event



of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Ara Town P.S. Case No. 559/2022 to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;



(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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