

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81144 of 2023

Arising Out of PS. Case No.-57 Year-2015 Thana- MAHILA PS District- Jehanabad

LAL BABU SHARMA @ ABHISHEK KUMAR, SON OF ARUN KUMAR,
RESIDENT OF VILLAGE - THIKRAUR, P.S. - MAKHDUMPUR,
DISTRICT - JEHANABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar

For the Opposite Party/s : Mr. Tapeswar Sharma

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 05-01-2024 Heard learned counsel for the parties.

2. This application for anticipatory bail arises out of Jehanabad Mahila P.S. Case No. 57 of 2015 disclosing commission of the offence punishable under Sections 304(B)/34 of the Indian Penal Code.

3. The petitioner is the husband of the deceased. He had earlier approached this Court seeking anticipatory bail which was disposed of by an order dated 20.08.2016 passed in Criminal Miscellaneous No. 15858 of 2016, noticing the circumstance that the police had submitted a final report under Section 173 of the CrPC and had decided not to send the petitioner up for trial.

4. This application has been filed on behalf of the



petitioner on the ground that the Court below, differing with the police report, has taken cognizance of the offence and issued summons to the petitioner.

5. Learned counsel appearing on behalf of the petitioner has submitted that no purpose would be served by taking the petitioner into custody as investigation is complete and the police, during the course of investigation, have found it to be a case of accidental death of the deceased.

6. Learned Additional Public Prosecutor representing the State has opposed the prayer for bail.

7. Considering the circumstance that the police upon completion of investigation did not find any cogent material for sending the petitioner up for trial, in my opinion, a case is made out for grant of anticipatory bail.

8. Considering the above, this application is allowed. Let the petitioner, above-named, in the event of his arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand), with two sureties of the like amount, each to the satisfaction of learned S.D.J.M., Jehanabad in Jehanabad Mahila P.S. Case No. 57 of 2015, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.



9. This is subject to the condition that the petitioner shall present himself before the Police/ Court, as the case may be, as and when required and in the event of failure on his part to appear before the court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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