

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82403 of 2023**

Arising Out of PS. Case No.-804 Year-2022 Thana- CHAPRA TOWN District- Saran

MANOJ PRASAD @ MANOJ PD. @ MANOJ KUMAR Son of Chhotelal
Prasad R/o vill - Nehru Chawk Co-Operative Colony, P.S. - Town, Distt. -
Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghwendra Pratap Singh

For the Opposite Party/s : Mr. Pranav Kumar

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

4 31-07-2024 1. Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail,
arises out of Chapra Town Police Station Case No. 804 of 2022,
disclosing offences under Sections 304(B), 201, 34 of the Indian
Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

3. As per the First Information Report, marriage of the
daughter of the complainant-cum-informant was solemnized
with the petitioner in 2019. At the time of marriage, petitioner
demanded Apache Motorcycle and golden chain which could
not be given by the informant and after persuasion, the accused
persons agreed to perform marriage of the petitioner. After
marriage, the informant's daughter gave birth to a girl child



aged about three years however, due to non-fulfillment of demand of Apache Motorcycle and golden chain, the accused persons including the petitioner killed the daughter of the informant on 16.09.2022.

4. Learned Counsel for the petitioner submits that the petitioner is the husband of the deceased has falsely been implicated as an afterthought inasmuch as on 16.09.2022, the deceased (wife of the petitioner) committed suicide for which the petitioner on the same date informed the police and the police registered a UD Case No. 16 of 2022. After a lapse of about forty nine days from the date of occurrence, the informant filed a complaint before the Chief Judicial Magistrate, Chapra, bearing Complaint Case No. 3036 of 2022 which was converted into an FIR under Section 156 (3) of the Cr.P.C. The postmortem report shows that cause of death is asphyxia due to hanging and prior to the complaint lodged after forty nine days of UD case, no allegation of torture and dowry was ever made by the informant's side.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the petitioner informed on the same date regarding the death of his wife and the police registered UD case and after a lapse of about



forty nine days, a complaint was lodged by the informant which was converted into an FIR, I am inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra, in connection with Chapra Town Police Station Case No. 804 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

HarshPandey/-

U		T	
---	--	---	--

