

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84678 of 2024

Arising Out of PS. Case No.-191 Year-2024 Thana- PARBATTa District- Khagaria

Ashish Kumar @ Ashish Jaiswal @ Ashish @ Ashish Kumar Jaiswal S/O
Arvind Kumar Jaiswal @ Arvind Jaiswal Resident of Maraiya ,P.S- Parbatta,
Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad

For the Opposite Party/s : Mr. Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 10-01-2025 1. Heard learned counsel for the petitioner, learned A.P.P. for the State and the learned counsel appearing on behalf of the informant.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 304B and 34 of the Indian Penal Code.
3. Learned counsel for the petitioner submits that petitioner, being husband of the deceased, has been falsely implicated in the instant case by the informant. It is next submitted that though it is alleged that dowry was being demanded and on non-fulfillment of the demand, the victim was tortured, but then from perusal of the allegation as alleged in the FIR, it would manifest that the same does not even remotely



suggest that as to what was being demanded by the accused persons by way of dowry, it is next submitted that first child got aborted not on account of torture but due to medical issue, it is also submitted that the victim became pregnant for the second time and during the course of pregnancy, all due care was taken and she was admitted at CHC Parbatta, Khagaria where she gave birth to a child, but on account of complication in the delivery, there was a heavy bleeding on account of which the victim died and the informant taking the same as an opportunity implicated the petitioner and his entire family. It is also submitted that the child is still alive and is staying with the family of the petitioner. It is further submitted that a specific pleading has been made at Para-8 of the anticipatory bail application that the victim died at CHC, Parbatta, Khagaria and the informant was accordingly informed about the same.

4. Learned A.P.P. for the State and the learned counsel appearing on behalf of the informant oppose the prayer for anticipatory bail of the petitioner on the ground that petitioner is the husband, but then is not in a position to rebut the submission of the learned counsel for the petitioner that from perusal of the allegation as alleged in the FIR, it manifests that the demand of dowry is general and omnibus in nature, but then the learned



counsel appearing on behalf of the informant fairly submits that the victim gave birth to a child who is alive and is staying with the family of the petitioner and that the victim died at CHC, Parbatta, Khagaria.

5. The learned counsel appearing on behalf of the informant further submits that investigation in the case is still going on and if privilege of anticipatory bail is granted to the petitioner, he may abscond, on which the learned counsel appearing on behalf of the petitioner submits that petitioner will not abscond rather will co-operate in the investigation to prove his innocence.

6. Considering the submissions made by the learned 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. 10,000/- (Rupees Ten 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 Parbatta P.S. Case No. 191 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that in the event if the



Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioner despite giving assurance to this Court is not co-operating in the investigation, in that event the learned Trial Court shall be at liberty to forthwith cancel the bail bonds of the petitioner.

8. Let a copy of this order be send to the concerned P.S. through the learned Trial Court.

9. Accordingly, the instant anticipatory bail application is allowed.

(Satyavrat Verma, J)

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