

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13129 of 2015

Arising Out of PS.Case No. -105 Year- 2014 Thana -BAUNSI District- ARRARIA

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Dilip Sah @ Dilip Kumar Sah Son of Mahabir Sah Resident of Village-
Bousi, P.S.- Bousi, District- Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh

For the Opposite Party/s : Mr. Anand Mohan Mehta (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 02-07-2015

Heard learned counsels for the petitioner and
the State.

The petitioner being the husband of the
victim is languishing in custody since 14.10.2014 in a case
registered for the offences punishable under Sections 304B/34 of
the Indian Penal Code.

The accusation is of killing the daughter of
the informant after six years of marriage for non-fulfillment of the
dowry demand.

It is submitted by learned senior counsel for
the petitioner that the police on information reached at the place of
occurrence and prepared inquest report at 7.30 A.M. on
30.09.2014 to which the informant being the father of the victim is

one of the witnesses. The place of occurrence was examined by the investigating agency. Seizure list was prepared at 8.00 A.M. Thereafter the present FIR was registered on the same day i.e. 30.09.2014 at 10.00 A.M.

The contention of learned senior learned counsel for the petitioner that investigation preceded the FIR has not been controverted by the learned APP after going to the case diary. Hence, admittedly the investigation preceded the FIR.

It is further submitted that FIR suggests that it was registered on 30.09.2014 at 10.00 A.M. when it was reached to the court of I/C CJM on 07.10.2014 which suggests that the FIR was registered by antedating.

Let a copy of this order be transmitted to S.P., Araria to see the way the I.O. has conducted investigation in a serious offence under Section 304B IPC.

It is further submitted by learned senior counsel for the petitioner that during investigation it transpired that the marriage was performed seven years four months prior to the occurrence, hence, the case does not come within the purview of Section 304B of the IPC. The witnesses in paragraph nos. 21 to 25 of the supplementary case diary have suggested that the victim committed suicide and the dead body was taken out after breaking

the door of the room.

Considering the fact that during investigation conflicting evidences have been collected with regard to date of making investigation preceded the registration of the FIR, let the above named petitioner, 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 Judicial Magistrate, Ist Class, Araria in connection with Bousi P.S. Case No. 105 of 2014.

The learned court below will be at liberty to cancel the bail bonds of the petitioner, if he defaults for two consecutive occasions.

(Dinesh Kumar Singh, J)

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