

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15880 of 2015

Arising Out of PS.Case No. -290 Year- 2014 Thana -PIRO District- BHOJPUR

1. Ram Autar Choudhary Son of Bharat Choudhary resident of village -
Rawani, P.S. Bikramganj, District - Rohtas

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar

For the Opposite Party/s : Mr. U.S.P.Singh(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 26-08-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in jail custody since
18.02.2015 in a case registered for the offences punishable under
Sections 304 (B)/201/34 of the Indian Penal Code.

The prosecution case as per the informant, who is
brother of Sangita Devi (deceased) is that his sister namely,
Sangita Devi was married with the petitioner seven years ago and
after marriage, she was subjected to torture by her in-laws
including the petitioner but due to her prestige, she bore all types
of torture. She was residing at the informant's house as he was
working at Ludhiana in a private firm and his sister's husband



(petitioner) had opened a garage in front of Bank of India and used to assault his sister after taking wine which she also tolerated. When his parents used to visit him, he used to tender apology. On 25.08.2014, the F.I.R. named accused persons including the petitioner called his father and two brothers at his house and killed his sister by burning her after sprinkling K. oil upon her and got her treated too and informed his parents that she was ill and during course of treatment, she died. The informant's mother informed him on 31.08.2014 and he reached the village on 02.09.2014 and after reaching the village, he learnt that his sister had been done to death by burning because burnt clothes were found in the room in which he had put a lock. The informant has further claimed that the accused persons had killed his sister and had closed the room for causing dis-appearance of the evidence and thereafter, they are absconding.

It has been submitted by the learned counsel for the petitioner that the occurrence is alleged to have taken place on 25.08. 2014 and the informant reached on 02.09.2014 but the F.I.R. has been lodged on 21.09.2014, on the basis of which he submits that the prosecution story is based on false allegations.

Further more, the learned counsel for the petitioner has pointed out that the Superintendent of police has found in his

supervision, case under Section 306 of the I.P.C. has only been made out as is evident from para-93 of the case diary. Charge sheet has also been submitted under Section 306 of the I.P.C. as such he submits that only a case under Section 306 is made out against the petitioner.

Considering the aforesaid facts, let the above named petitioner Ram Autar Choudhary, 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 A.C.J.M., Bhojpur , Ara in connection with Piro P. S. Case No. 290 of 2014.

(Nilu Agrawal, J)

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