

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4841 of 2015

Arising Out of PS.Case No. -116 Year- 2014 Thana -BRAHMPUR District- BUXAR

1. Paras Nath Dubey Son of Sarvanath Dubey Resident of vill-Badka
Dhakaich,P.S-Brahmpur(K.B)Distt.-Buxar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.7349 of 2015

Arising Out of PS.Case No. -116 Year- 2014 Thana -BRAHMPUR District- BUXAR

1. Jai Prakash Dubey S/o Paras Nath Dubey Resident of Village Badka
Dhakaich, P.S. Brahmpur (K.B.), District Buxar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.4841 of 2015)

For the Petitioner/s : Mr. Ravi Shanker Pankaj

For the Opposite Party/s : Mr. Raj Kishore Singh(App)

(In Cr.Misc. No.7349 of 2015)

For the Petitioner/s : Mr. Ravi Shanker Pankaj

For the Opposite Party/s : Mr. A.M.P. Mehta (App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

03/ 24.04.2015 Both the above stated petitions arise out of Brahmpur P.S.
Case no. 116/2014 registered under sections 304B, 201/34 of the
Indian Penal Code and accordingly, both the above stated petitions are
being disposed of by this common order.

Heard learned counsel for the petitioners as well as learned
Addl. Public Prosecutor for the State.

Petitioner in Cr. Misc. no. 4841/2015 is father-in-law whereas petitioner in Cr. Misc. no. 7349/2015 is husband of the deceased. Marriage of the deceased had taken place with petitioner in Cr. Misc. no. 7349/2015 in the year 2009 and deceased died of burn injury in the year 2014.

In course of investigation, statement of the driver of ambulance was recorded at para 16 of the case diary and said driver stated that he along with the petitioners was carrying deceased by his ambulance and while they were on the way, deceased died and after that she was taken to burning ghat.

Learned counsel for the petitioners submits that the above stated statement of driver clearly reflects this fact that the petitioners made their best effort to save life of the deceased but unfortunately, life of the deceased could not be saved.

On the other hand, learned counsel for the informant submits that dead body of deceased was recovered from burning ghat and furthermore, in course of investigation, witnesses, specifically, stated that deceased was subjected to cruelty and lastly, she was burnt to death by both petitioners.

Para 10 of the case diary reveals that dead body of the deceased was found floating in Ganga river.

Admittedly, deceased died of burn injury.

No doubt, there is allegation of torturing as well as demand of dowry against the petitioners but it is also an admitted position that deceased spent her married life in the house of the petitioners for near about five years.

Moreover, petitioner in Cr. Misc. no. 4841/2015 is languishing in jail custody since 22.11.2014 and in course of investigation, nothing specific was found against him.

So far as petitioner in Cr. Misc. no. 7349/2015 is concerned, he is languishing in jail custody since 17.5.2014 and in course of investigation, it came to light that he used to quarrel and torture the deceased.

In the aforesaid circumstances, petitioner in Cr. Misc. no. 4841/2015, namely, Paras Nath Dubey is directed to be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Buxar in Brahmpur P.S. Case no. 116/2014.

So far as prayer for bail of petitioner in Cr. Misc. no. 7349/2015, namely, Jai Prakash Dubey, is concerned, the same stands rejected, at least, at this stage.

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(Hemant Kumar Srivastava,J)

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