

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18761 of 2015

Arising Out of PS.Case No. -238 Year- 2014 Thana -DESARI District- VAISHALI(HAJIPUR)

Raju Sahni. son of Tuna Sahni. Resident of village - Baliya, Police Station -
Desari (O.P. Sahdei Buzurg), in the District of Vaishali.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar

For the Opposite Party/s : Ms. Rita Verma(APP)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 15-06-2015 Heard both sides.

The petitioner seeks bail in a case under Sections 498A
and 304B of the Indian Penal Code.

The wife of the petitioner filed a complaint petition on
the basis of which the present F.I.R. was lodged. The complainant
alleged that her husband subjected her to all sorts of torture and
drove her from the matrimonial house on 5.9.2014 and thereafter
she filed a complaint petition.

It is submitted that the complainant died in her parents'
house and not at the house of the petitioner. The complainant was
under treatment of Dr.Vijay Prakash and during the treatment she
died. The police after investigation submitted charge-sheet under
Section 304B of the Indian Penal Code only because the

complainant/informant died within seven years of her marriage on account of ill-treatment at the hands of the petitioner.

On the other hand, learned counsel for the informant vehemently opposed the prayer for bail and submitted that the petitioner always subjected his wife to physical and mental torture. The petitioner did not provide her food and consequently she died.

It appears that the complainant of course alleged that her husband ill-treated her and subjected her to physical and mental torture but she did not allege any assault at the hands of the petitioner. Admittedly the informant died at her Naihar as she was suffering from different ailments. The petitioner being the husband of the informant is in jail since 8.12.2014.

Considering the facts aforesaid, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Vaishali, in connection with Desari P.S.Case No. 238 of 2014.

(Prabhat Kumar Jha, J)

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