

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31626 of 2014

Arising Out of PS.Case No. -48 Year- 2014 Thana -BARHARA District- BHOJPUR

1. Pintu Dubey @ Sandeep Dubey Son of Late Raj Kishore Dubey resident of village- Chatar, P.S.- Barhara, District- Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan

For the Opposite Party/s : Mr. Indra Kr. Singh (App)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

4 02-03-2015 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is in custody since 7-4-2014 in connection with Barhara P.S.Case No. 48 of 2014.

It is submitted on behalf of the petitioner that deceased Khusbu Kumari was married to the petitioner way back in the year 2005 and thereafter, out of the said wedlock, three children were born. Learned counsel for the petitioner submits that after the death of his wife, the elder brother of the petitioner had informed the family members of his wife that Khusbu Kumari had died. The said fact had been communicated on 24-3-2014 and in response thereto her family members participated in the cremation and did



not lodge any case on the said date. However, as an after-thought on 27-3-2014, the present case has been lodged. There is no explanation of delay by the informant. The learned counsel for the petitioner submits that after the perusal of the case diary it is clear that in several paragraphs it has come on record that the dispute between the petitioner and his wife(deceased Khusbu Kumari) was not with regard to fulfillment of dowry demand, rather it was because of petty domestic issues. Furthermore, the family members, only to implicate them and on suspicion, had lodged the present case as an after-thought. It was for this reason that the police submitted chargesheet not under section 304(B) I.P.C., as had been indicated earlier in the F.I.R, but only under section 302 I.P.C.

Learned counsel for the informant is also present and submits that the petitioner, being the husband, is squarely responsible for the death of his wife, as he did not communicate that fact soon after her death. However, learned counsel for the State has pointed out several paragraphs of the case diary from which it becomes apparent that the communication about the said death was made to the family members of the deceased on 24-7-2014 itself, but it is not known as to why the case was not lodged on the same date and no plausible explanation has been offered for

the delay in lodging the case.

Considering the aforementioned circumstances, and also the fact that the petitioner has been in custody for nearly ten months, let the petitioner Pintu Dubey @ Sandeep Dubey 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 Chief Judicial Magistrate, Bhojpur, Ara, in connection with Barhara P.S. Case No. 48 of 2014.

(Anjana Mishra, J)

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