

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26734 of 2014

Arising Out of PS.Case No. -13 Year- 2009 Thana -BIHARIGANJ District- MADHEPURA

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Suman Kumar Sourabh @ Dainy son of Yogendra Paswan resident of
Village - Ramtola Bihariganj, Police Station - Bihariganj, District -
Madhepura.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

4 12-01-2015 Heard learned counsel for the petitioner, learned counsel,
appearing for the State as also learned counsel for the informant.

The petitioner, being husband of the deceased is in jail custody since 21-04-2014 in Bihariganj P.S. Case No. 13 of 2009 registered under Sections-304B, 120(B)/34 of the Indian Penal Code and Section-3/4 of Dowry Prohibition Act.

The marriage of the petitioner was solemnized with the deceased 5 months ago from the date of filing of the complaint case No. 53 of 2009 which was filed by mother of the deceased on 20-01-2009 and on the basis of aforesaid complaint case, the instant Bihariganj P.S. Case No. 13 of 2009 was registered. After investigation of the present case, police submitted final form showing the accusation untrue. Learned court below differed with the findings of the police and took cognizance on the basis of

materials, which came in course of further investigation.

Learned counsel for the petitioner points out that as a matter of fact, the deceased was taken away by her brother-in-law and just after the recovery of dead body of deceased, the sister of the petitioner lodged Bihariganj P.S. Case No. 07 of 2009 for the offence under Sections-364, 302, 201/34 of the Indian Penal Code against brother-in-law of the deceased and others. The aforesaid Bihariganj P.S. Case No. 07 of 2009 was investigated and the accusation was found true and accordingly, accused persons of the aforesaid case were put on trial and the trial is still pending against them.

On the other hand, learned counsel, appearing for the informant refuted the above-said submissions, arguing that the deceased was found missing on 11-01-2009 and Bihariganj P.S. Case No. 07 of 2009 was registered on 13-01-2009 i.e. after recovery of dead body of the deceased.

considering the aforesaid facts and circumstances as well as submission of the parties, in my view, it is a fit case for grant of regular bail to the petitioner and accordingly, the petitioner named-above, is directed to be released on bail on furnishing bail bond of Rs 10,000/- (ten thousand) with two sureties of the like amount each in connection with Bihariganj P.S.

Case No. 13 of 2009 to the satisfaction of Chief Judicial
Magistrate, Madhepura.

A.K.V./-

(Hemant Kumar Srivastava, J)

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