

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17632 of 2015

Arising Out of PS.Case No. -1184 Year- 2005 Thana -GAYA COMPLAINT CASE District- GAYA

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1. Pradeep Prasad @ Jitendra Prasad @ Nandlal Prasad son of Ganesh Mahto, resident of village- Gowadiha, P.S.- Neemchak Bathani, District- Gaya

.... Petitioner/s

Versus

1. The State of Bihar
2. Jitendra Prasad S/o Rameshwar Mahto, R/o Village- Aura P.S.- Khudaganj, Distt. Nalanda

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Madan Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 18-05-2015 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a complaint case whereby process has been directed to be issued after cognizance being taken for the offences punishable under Section 306 of the Indian Penal Code.

The prosecution case as per the complainant is that his sister namely Ruby Devi was married with the petitioner in the year 2001, but she was tortured for non-fulfilment of further dowry demand, which was conveyed by the complainant's sister to him, when the complainant visited his sister's in-laws' house. Due to torture inflicted by the accused persons, the complainant's

sister consumed poison. The accused persons in collusion with the police, obtained thumb impression of the victim on a blank paper, on the basis of which got registered the UD case.

The learned CJM, Gaya, after examining the complainant on S.A. and five witnesses vide order dated 25.07.2014 directed for issuance of process after taking cognizance under Section 306 of the IPC, against the petitioner and others.

It is submitted by learned counsel for the petitioner that the sister of the complainant died on 29.07.2005, in presence of the complainant and others in the hospital.

UD case was registered on the statement of the victim, dated 22.07.2005 to the effect that the complainant visited the in-laws house of the victim and when she conveyed her problem to her brother, he scolded her husband. But when her husband came home, he scolded her and thereafter under some mistake, she consumed poison.

Even assuming the accusation levelled in the complaint petition, S.A. of the complainant, statement of enquiry witnesses, no case under Section 306 of the IPC is made out.

Considering the delayed lodging of the case and the statement of the victim, let the above named petitioner be released

on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M. Ist Class, Gaya in connection with Complaint Case No. 1184 of 2005 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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