

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35368 of 2015

Arising Out of PS.Case No. -107 Year- 2011 Thana -DARBHANGA COMPLAINT CASE District-
DARBHANGA

Arbind Kumar son of Satya Narain Yadav resident of Village - Kamalpur
Katwasa, PS - Baheri, District - Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Pushpalata Devi wife of Late Bindeshwar Yadav resident of Village -
Alinagar, PS - Alinagar, District - Darbhanga.

.... Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Shambhu Nath Jha

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 30-10-2015 Heard both sides.

The petitioner apprehends his arrest in a case under
Sections 498(A), 366, 304(B)/34, 201, 120(B) of the Indian Penal
Code.

The complainant, mother of the deceased, made
allegation that her daughter was married to the petitioner on
03.05.1996 and, due to non-fulfillment of demand of dowry, her
daughter was done to death. On the basis of the complaint petition
filed by the complainant, Baheri P.S. Case No. 15/2003 was
registered. The police, after investigation, submitted final form
finding the case mistake of facts. Thereafter, the complainant filed
a protest-cum-complaint petition on which the learned Judicial
Magistrate took cognizance under Sections 304(B)/34 of the

Indian Penal Code. It is submitted that the wife of the petitioner was suffering from different gynaec problems and she was treated in D.M.C.H., Darbhanga as well as in Sri Ram Kumar Shukla Hospital by Dr. Anand Shukla. While the wife of the petitioner was under treatment, she died in Delhi on 17.01.2003. A certificate to this effect was issued by Dr. Anand Shukla, on the basis of which, death certificate was also issued by the Sub Registrar, Municipal Corporation of Delhi. It is submitted there is nothing to show that the petitioner ever demanded any dowry or tortured his wife.

Considering the facts aforesaid, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Anjani Kumar Gond, 1st Class Judicial Magistrate, Benipur, Darbhanga in C.R. No. 107/2011, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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