

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39555 of 2014

Arising Out of PS.Case No. -158 Year- 2014 Thana -KADAMKUAN District- PATNA

- =====
1. Maya Devi Wife of Late Kamla Prasad
 2. Bittu Kumar @ Aniket Kumar Son of Late Kamla Prasad
Both resident of mohalla - Nathu Gope Lane, Chaie Tola Musallahpur,
P.S. - Kadamkuan, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha

For the Opposite Party/s : Mr. Ram Anurag Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

08/ 03-08-2015

Heard learned counsels for the petitioner

and the State.

The application with regard to petitioner no.

1 has been dismissed as withdrawn vide order dated 23.07.2015.

The petitioner no. 2 being the brother of the husband of the victim is apprehending his arrest in Kadamkuan P.S. Case No. 158 of 2014 registered for the offences punishable under Sections 498A, 304B and 201/34 of the Indian Penal Code, pending in the court of learned Chief Judicial Magistrate, Patna.

The accusation is of killing the daughter of the informant after four years of the marriage for non-fulfillment

of the dowry demand.

It is submitted by learned counsel for the petitioner that the date of birth of the petitioner as per Bihar School Examination Board certificate is 1st of September, 1996 and date of occurrence is in the March, 2014, though the FIR was registered on 27.03.2014, hence, the petitioner was minor on the alleged date of the occurrence. Moreover, as per the informant the petitioner was only seen taking away the dead body of the victim, hence, at best the offence under Section 201 IPC is made out against the petitioner which is bailable and above all co-accused Soni Devi has been granted regular bail.

In view of the above submission, this application is disposed of with liberty to the petitioner to file appropriate application under Section 12 of the J.J. Act before the J.J. Board, Patna.

(Dinesh Kumar Singh, J)

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