

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55701 of 2015

Arising Out of PS.Case No. -562 Year- 2014 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

1. Anil Kumar Azad Son of Mangal Prasad Resident of Village-
Nariwarwa Panchayat Belwa Rai, P.S. Turkaulia, District- East
Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh

For the Opposite Party/s : Mr. Arun Kr.Pandey(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-12-2015 Petitioner being husband of the victim is
apprehending his arrest in a case registered for the offences
punishable under Sections 304B, 201, 120B/34 of the Indian
Penal Code.

The accusation is of killing the daughter of
the informant for non-fulfilment of dowry demand by injecting
poison.

It is submitted by learned counsel for the
petitioner that as per the own admission of the informant the
marriage was performed in the year 2000, whereas the victim
died on 28.07.2014, hence on this score alone the case does
not come within the purview of Section 304B I.P.C. It is further
submitted that victim died on 28.07.2014 but the complaint
was filed on 07.08.2014 which came to be registered as police

case on 17.08.2014. The documents on record suggest that the victim was admitted to Rahmania Medical Centre, Motihari by her cousin Munilal and the medical report suggests that she was suffering from unconsciousness and gasping when she died on 28.07.2014 due to sudden cardiac arrest. It is further submitted that accusation is omnibus and general and informant is not the eye witness of the occurrence. The impugned order also does not suggest any direct material collected against the petitioner during investigation.

Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Turkauliya P.S. Case No. 562 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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