

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43029 of 2014

Arising Out of PS.Case No. -69 Year- 2014 Thana -DUMRIAGHAT District-
EASTCHAMPARAN(MOTIHARI)

Sanjay Ojha son of Kameshwar Ojha, resident of village-Semuapur, PS-
Dumariyaghat, Distt-East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Adv.

For the Opposite Party/s : Mr. Dr. M.K.Gautam(APP)

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

4 02-04-2015 Supplementary affidavit filed on behalf of petitioner has
been kept on record.

Heard learned counsel for the petitioner as well as
learned APP for the State assisted by learned counsel for the
informant.

According to the prosecution case, marriage was
solemnized in the year 2001 and in the aforesaid background, it
has been suggested that on account of non fulfilment of demand of
dowry, the deceased was put on fire on 16.06.2014 due to which
she died. Subsequently, the matter was known to the prosecution
party on 06.07.2014 whereupon the informant, mother, brother,
Vipul Kumar Tiwari along with some other villagers went there,
found the accused persons absent. Then they came to know about
the occurrence. From the perusal of the case diary, it is apparent

that the disclosure made by the informant is found refuted by the daughter-in-law of informant recorded under para-33 as well as both sons of deceased recorded under paras-34 and 35. Moreover, the marriage took place in the year 2001, and on account thereof, the presumption in terms of 113 B of the Evidence Act will also not attract and the cumulative effect, in the aforesaid background gives a liberty to the petitioner to be released on bail and accordingly, petitioner, namely, Sanjay Ojha is directed to be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of Shri G.Mishra, Judicial Magistrate, Motihari, East Champaran in Dumariyagaht PS. Case No. 69 of 2014.

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(Aditya Kumar Trivedi, J)

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