

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40207 of 2015

Arising Out of PS.Case No. -275 Year- 2014 Thana -PHULPARAS District- MADHUBANI

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Deepak @ Raghav Kumar @ Deepak Jha @ Raghav Jha Son of Prakash
Chandra Jha Resident of village - Garatola, P.S. Phulparas, District -
Madhubani

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Soni Shrivastava

For the Opposite Party/s : Mr. Sangita Sharma(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 14-10-2015

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case instituted under
Sections 326, 302 and 34 of the Indian Penal Code.

Allegation against the petitioner is of killing daughter of
the informant by pouring kerosene oil and setting her on fire.

It has been submitted on behalf of the petitioner that he
has got no criminal antecedent. He is in custody since 15.6.2015.
Charge sheet has been submitted in the case. There is no
allegation of tampering of evidence against the petitioner. The
case was instituted for an offence under Section 302 of the Indian
Penal Code by mother of the deceased where it was alleged that
the deceased had some difference with the neighbour and they
had forcibly poured kerosene oil on the deceased and put her on
fire. The aforesaid fact was supported by the witnesses which is
evident from paras-5, 6, 7, 8, 9 and 10 of the case diary. Later on,
on the basis of material that came in para-11 of the case diary
regarding demand of dowry and for the said purpose the deceased

was done to death by the in-laws of the family including the petitioner who is the husband. The case was converted for an offence under Section 304B of the Indian Penal Code and the petitioner was also made accused as he happens to be the husband of the deceased. Informant of the case is none else but the mother of the deceased and at no point of time she had made any such allegation against the petitioner or his family members in respect to the demand of dowry or the deceased being done to death by the petitioner and his family members.

On behalf of the State, it is submitted that the petitioner is the husband of the deceased and in para-11 of the case diary there has been allegation against the petitioner and his family members. It is further pointed out that the alleged occurrence is said to have taken place on 5.10.2014 but regarding the same no information was given to the police by the petitioner or his family members which raises a doubt on conduct of the petitioner and his family members.

Considering the aforesaid facts and circumstances, let the above named petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Jhanjharpur, Madhubani, in connection with Phulparas P.S. Case no. 275 of 2014 giving rise to G.R. no. 1617 of 2014.

(Sudhir Singh, J)

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