

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40601 of 2015

Arising Out of PS.Case No. -18 Year- 2015 Thana -AURANGABAD TOWN District-
AURANGABAD

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Santosh Prasad S/o Krishna Prasad resident of Village - Ghatarain, P.S. -
Madanpur, District - Aurangabad.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Rakesh Singh, Advocate.

For the Opposite Party : Mr. Shailendra Kumar No.2 (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 10-11-2015 Heard both sides.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 304(B) and 34 of the Indian Penal Code.

The mother of the deceased alleged that her daughter was married to Santosh Prasad six years ago and she gave birth two sons and a daughter. On 14.09.2014, the informant and his family members got information that her daughter was serious. The informant went there and on enquiry from the neighbours she came to know that the petitioner and others assaulted her daughter and burnt her to death.

Learned counsel for the petitioner submits that the petitioner is, of course, the husband of the deceased, but the



occurrence took place on 14.09.2014. The deceased died because she got accidental fire while cooking food. On the same day, Naresh Singh father of the deceased came and he informed the Madanpur police station on such U.D. Case No. 16 of 2014 was registered. The post-mortem was held on the dead body of the deceased. Naresh Singh the father of the deceased did not make any sorts of allegation of assault and torture due to non-fulfillment of the demand of dowry at any point of time after marriage till the death of the deceased. But, after four months of the occurrence the mother of the deceased lodged this case making allegation of demand of dowry and torture against the petitioner and others and alleged that the petitioner and others burnt her daughter to death.

It appears that the father of the deceased was present at the time of death of the deceased and on his information U.D. Case was registered, but the father of the deceased did not make any allegation that the petitioner and others ever subjected his daughter to torture and killed her and other accused persons have already been enlarged on anticipatory bail.

Considering the facts aforesaid, the petitioner above named, in the event of his arrest or surrender before the 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 the learned Chief Judicial Magistrate, Aurangabad in Aurangabad (Town) P.S. Case No. 18 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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