

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49138 of 2014

Arising Out of PS.Case No. -71 Year- 2014 Thana -SONO District- JAMUI

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1. Pradip Das Son of Bhuneshwar Das. Resident of Village - Rajaun, Police Station - Sono (Charkapathar). District - Jamui.

.... Petitioner/s

Versus

1. 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. Gajendra Pd. Yadav(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

5 20-04-2015 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner happens to be husband of the deceased and is languishing in jail custody since 01.05.2014 in a case registered under section 304B/34 of the Indian Penal Code and $\frac{3}{4}$ of the Dowry Prohibition Act.

It is an admitted position that deceased died within one year of her marriage due to consumption of poison.

Learned counsel appearing for the petitioner submits that the informant very clearly stated in his fardbeyan that this petitioner disclosed that deceased consumed poison due to family feud. It is further contended by him that in course of investigation, several independent witnesses were interrogated by the

investigation officer and almost all the independent witnesses stated that deceased consumed poison on account of petty family feud and it is submitted that even if it assumed that the death of the deceased was other than normal circumstances and she died within one year after marriage, then also application of section 304B of the Indian Penal Code in the present case appears to be doubtful

It is apparent from perusal of the fardbeyan of the informant that petitioner took the deceased at three places for providing treatment to her but even the above stated sincere efforts of the petitioner could not saved the deceased.

Considering the aforesaid facts and circumstances as well as submissions of the parties and also material available on the case diary, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Jamui in connection with Sono (Charkapathar) P.S.Case No.71 of 2014.

(Hemant Kumar Srivastava, J)

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