

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33867 of 2015

Arising Out of PS.Case No. -51 Year- 2015 Thana -KALYANPUR District- SAMASTIPUR

- =====
1. Atma Ram S/o Late Ramrup Ram
 2. Sarita Devi W/o Atma Ram
 3. Mithilesh Kumar S/o Atma Ram All of village- Ladaura, P.S. Kalyanpur, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shambhu Sharan Singh

For the Opposite Party/s : Mr. Navin Kumar Pandey (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

3 02-11-2015 Petitioners are permitted to make necessary correction in the petition within course of the day.

Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

The present case was registered under Section 304B and other minor sections of the Indian Penal Code and it would appear from perusal of para-50 of the case diary that investigating officer submitted charge sheet against the petitioners, who happen to be in laws of the deceased, for the offence punishable under Section 304 B of the Indian Penal Code.

It is surprising enough that neither in written report of the informant nor in the statement of any witness there is even

whisper of illegal demand as well as torturing but in spite of that police not only registered the case under Section 304 B of the Indian Penal Code but also submitted charge sheet for the above stated offence.

Admittedly, none has seen the actual killing of the deceased and the witnesses only stated that due to partition dispute, the deceased was killed by her in laws.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-V, Samastipur in connection with Sessions Trial No. 430 of 2015 arising out of Kalyanpur P.S. Case No. 51 of 2015.

However, let a copy of this order be sent to Superintendent of Police, Samastipur so that he could impart training to the police officials of his district as to how and when case under Section 304B of the Indian Penal Code is registered.

(Hemant Kumar Srivastava, J)

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