

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10857 of 2015

Arising Out of PS.Case No. -98 Year- 2013 Thana -BANKA District- BANKA

Amarendra Kumar Darbe @ Amrendra Kr. Durbey, son of Arjun Prasad Darbe, resident of Village- Kenua Tikar, P.S.- Barahat, District Banka

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Sharma, Advocate

For the Opposite Party/s : Mr. Raj Kishore Singh(APP)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 02-07-2015 Heard learned counsel for the petitioner and the learned counsel for the State.

The petitioner is apprehending his arrest in connection with Banka (Barahat) P.S. Case No.98 of 2013 for allegedly having committed the offences under Sections 304B/34 of the Indian Penal Code.

Case diary in the present case has also been received.

Learned counsel for the petitioner submits that subsequent to the filing of the case by the informant stating that his daughter had been done to death by the family members of the petitioner along with him, yet subsequently the said informant has filed a petition before the Chief Judicial Magistrate, Banka in connection with the present case stating



that the petitioner was not responsible for the death of his daughter as she was mentally disturbed individually and had made several attempts to her life prior to her marriage and that there is no demand of dowry as had been alleged by him earlier. Learned counsel for the petitioner further submitted that in paragraph 6 of the said petition filed before the C.J.M., the informant has stated that he is ready to make further statement before the Magistrate under Section 164 Cr.P.C. endorsing and reiterating the present statements.

Learned counsel for the State after referring to several paragraphs of the case diary and also the note of the Sub-Divisional Police Officer submitted that, in fact, the girl in question was found hanging and the door was closed from within, which was subsequently discovered by the son of the deceased after he returned from the school. He further submitted that the father/informant had also stated before the S.D.P.O. that the girl in question was mentally disturbed and had once left home prior to her marriage and had tried to commit suicide and that she was also of intemperate/erratic nature.

Considering the materials available in the case diary and also the fact that the informant has made statement retracting from his statement in the F.I.R. subsequently, let the

above named petitioner, in the event of his arrest or surrender before the court below within a period of three weeks from the date of receipt/production of a copy of this order, be released 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, Banka, in connection with Banka (Barahat) P.S. Case No.98 of 2013, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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