

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27272 of 2014

Arising Out of PS.Case No. -240 Year- 2012 Thana -PAHARPUR District- EAST
CHAMPARAN(MOTIHARI)

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1. Mukti Kumar son of Osiyar Prasad resident of village - Satha, Dubey
Tola, P.S. Paharpur, Distt. - East Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lalan Kumar Verma

For the Opposite Party/s : Md.A.Haque Saha(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 12-01-2015 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner is husband of the victim and is in jail
custody since 16.09.2013. Admittedly, Paharpur P.S. Case No.
240 of 2012 was initially registered under Sections 304 B, 120 B,
201 of the Indian Penal Code against the petitioner and others and
after investigation, police submitted charge sheet against co-
accused, Osiyar Prasad for the offences punishable under Sections
498A/34 of the Indian Penal Code and ¾ of Dowry Prohibition
Act. Furthermore, it is an admitted position that after submission
of charge sheet against co-accused, Osiyar Prasad, the learned
Chief Judicial Magistrate took cognizance for the offences

punishable under Sections 498 A/34 of the Indian Penal Code and 3/4 of Dowry Prohibition Act but again police submitted charge sheet against the petitioner for the offences punishable under Sections 304B, 201 and 120B of the Indian Penal Code.

Learned counsel for the petitioner submits that as a matter of fact, the victim eloped with her lover and much prior to institution of the present case, co-accused, Osiyar Prasad had given informatory petition in respect of missing of the victim of the present case.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri R. K. Rajak, Judicial Magistrate 1st Class, East Champaran at Motihari in connection with Paharpur P.S. Case No. 240 of 2012.

(Hemant Kumar Srivastava, J)

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