

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27293 of 2015

Arising Out of PS.Case No. -105 Year- 2014 Thana -KADIRGANJ District- PATNA

1. Dharamveer Kumar Son of Bijendra Mahato resident of village - Dewan,
P.S. Kadirganj, District – Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s

Mr. Arun Kumar

Mr. Nirmal Kumar Siade (3)

For the State

Mr. M. Dayal(APP)

For the Informant

Mr. Rajendra Kishore Pd.

M/S Rekha Pd.

Mr. Rohit Kishore Pd.

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

4 16-10-2015

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

Petitioner happens to be husband of the deceased.
Admittedly, deceased died on 01.10.2013 and just after death of
the deceased petitioner lodged U.D. case giving this information
that deceased died of snake biting. The aforesaid U.D. case was
investigated and viscera of the deceased was sent for chemical
examination. The report of chemical examination was received by
the police and it was detected that sulphos was found in the
viscera of the deceased.

After receipt of the aforesaid report, the informant,

being S.I. of concerned police station, lodged this case against the petitioner for the offences punishable under Sections 304B, 328, 120B/34 of the Indian Penal Code and 3/4 of D.P. Act.

It is surprising enough that aforesaid police official registered the present case under the aforesaid sections because till the institution of first information report, there was no allegation of illegal demand and at best, the investigating officer could have registered the case under Section 302 and other minor sections of the Indian Penal Code. However, in course of investigation, the statement of father of the deceased was recorded at para-17 of the case diary in which he stated that petitioner had demanded rupees twenty thousand but the said witness also conceded this fact that petitioner wanted to marry with another woman and that was the reason he killed the deceased.

Admittedly, the present case was lodged on 22.12.2014 i.e. near about after 14 months of death of the deceased and before institution of the present case, the father of the deceased had not made any complain regarding illegal demand of dowry.

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 Chief
Judicial Magistrate, Patna in connection with Kadirganj P.S. Case
No. 105 of 2014.

(Hemant Kumar Srivastava, J)

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