

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47404 of 2014

Arising Out of PS.Case No. -3321 Year- 2010 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

- =====
1. Ranjit Kumar @ Ranjit Kumar Sharma Son of Jai Mangal Sharma
 2. Jai Mangal Sharma Son of Firangilal Sharma Both are resident of village
- Parmanandpur, P.S. - Sonapur, District - Saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate

For the Opposite Party/s : Mr. M.K. Khare(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 08-07-2015 Heard learned counsels for the petitioners and the
State.

The petitioners being the husband and father-in-law of
the victim are apprehending arrest in a case registered for the
offences punishable under Section 304B/34 of the Indian Penal
Code and 3/4 of the Dowry Prohibition Act.

Accusation is of killing the daughter of the informant
within few months of marriage for non-fulfillment of dowry
demand.

The marriage between petitioner no.1 and the victim on
18.06.2010 and death of the victim 13.10.2010 at Bangalore are
admitted facts.



It is submitted by learned counsel for the petitioners that it is not in dispute that petitioner no.1 is deaf and dumb by birth, hence, the victim used to suffer from depression, as a result, she committed suicide by hanged herself at Bangalore on 13.10.2010. Thereafter, since, petitioner no.1 was at Mysore on the relevant day, on the report of brother of petitioner no. 1 UD case being UDR No. 52 of 2010 was registered at Mahadevapura P.S, at Bangalore. The statement of the complainant was recorded by the Inspector of Police, Mahadevapura on 13.10.2010 where he admitted that the victim was not happy with her husband because her husband was deaf and dumb by birth and she was suffering from acute depression, as a result, she committed suicide. Though statement of the complainant of the present case was recorded in Kannad language but translated affidavited copy of the same has been brought on record as annexure-4. The petitioner no.2 being father of petitioner no.1 is aged person and suffering from kidney failure and is put to dialysis thrice a week. Admittedly, the complainant was aware about the death immediately on 13.10.23010. But for the occurrence of 13.10.2010, the complaint was filed on 01.11.2010 and the order of cognizance was passed on 12.06.2014. Moreover, cause of action arose at Bangalore.

It is submitted by learned counsel for the complainant that the victim was killed after four months of marriage and there was demand of dowry since the husband of the victim, petitioner no.1, got admission in engineering course after marriage and complainant's statement was never recorded at Bangalore.

Considering the delayed lodging of the complaint, though the complaint petition reflects the admission of the complainant that he was present at Bangalore immediately after death of the victim, the petitioner no.1 being the deaf and dumb person by birth, which is an admitted fact and petitioner no.2 being aged person suffering from kidney failure, let them be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Hazipur, Vaishali in connection with Complaint Case No.3321 of 2010, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Ashwini/-

(Dinesh Kumar Singh, J)

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