

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39969 of 2015

Arising Out of PS.Case No. -129 Year- 2014 Thana -SARAI District- VAISHALI(HAJIPUR)

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SAMIR KUMAR @ SAMIR KR. SAH Son of Lakhendra Sah resident of
Village - manjhauli, mahmadpur Buzurg Maricha ,ps.sarai,District Vaishali
at Hajipur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Lakshmi Kant Sharma

For the Opposite Party : Mr. P.K.Choursiya(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 13-10-2015 Heard the counsel for the petitioner and counsel for the
State.

The petitioner is languishing in jail since 08.06.2015 in
a case instituted under Section 304(B)/34 of the Indian Penal
Code.

As per allegation, it is a case of murder of informant's
married daughter, namely Anjali Devi due to non-fulfilment of
dowry demand by the accused persons.

It has been submitted on behalf of the petitioner that
the petitioner is in custody since 08.06.2015. Chargesheet has
been submitted in the case. There is no allegation of tampering of
evidence against the petitioner. From perusal of para-95 of the
case diary, it would appear that independent witness who

happened to be the neighbour of the accused have very categorically stated that the deceased was not happy with the marriage as she was having a pre-marital life with some other person and for the said reason she has committed suicide, as such, no offence under Section 304(B) of the Indian Penal Code is made out and at best it is a case under Section 306 Indian Penal Code. A similar statement has come in paragraph-96 also. It has further been submitted that the petitioner may be released after completion of seven months in custody from 08.06.2015.

On behalf of the State and the counsel for the Informant, it has been submitted that the petitioner is named in the FIR and he is the husband of the deceased and the presumption under the law is against the petitioner.

Considering the aforesaid facts and circumstances, it is directed that the petitioner be released after completion of seven months in custody from 08.06.2015 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction learned CJM, Vaishali at Hajipur in connection with Sarai P.S.Case No.129 of 2014.

(Sudhir Singh, J)

Brajesh Kr./-

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