

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23926 of 2016

Arising Out of PS.Case No. -160 Year- 2015 Thana -LAXMIPUR District- JAMUI

1. Subhash Tanti son of Laxmi Tanti resident of Village- Gotajor, P.S. Laxmipur, District- Jamui.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar

For the Opposite Party/s : Mr. Veena Kumari

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 14-07-2016 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Initially, the present case was lodged under Section 304B/34 of the Indian Penal Code but after investigation, police submitted charge sheet under Section 306/34 of the Indian Penal Code.

The informant did not disclose the year of marriage nor levelled any allegation of illegal demand but in spite of that the Officer in charge of Laxmipur police station lodged the present case under Section 304B of the Indian Penal Code and, therefore, the aforesaid fact reflects that concerned Officer in Charge does not know even the basic thing of law. Moreover, in course of investigation, independent witnesses stated that deceased

committed suicide due to petty family feud. It is not out of place to mention here that informant himself admitted that when he got information about the alleged occurrence, deceased was taking treatment in the hospital and admittedly, deceased was brought to the hospital by the petitioner as well as his other family members.

Learned counsel for the petitioner submits that as a matter of fact, deceased was caught in fire accidentally and she was immediately taken to hospital. It is also pointed out that petitioner being husband of the deceased tried to extinguish the fire and in that course petitioner, too, sustained burn injury on his person, which is evident from perusal of Annexure-2 to this petition.

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 Amrendra Kumar, Judicial Magistrate 1st Class, Jamui in connection with Laxmipur P.S. Case No. 160 of 2015.

(Hemant Kumar Srivastava, J)

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