

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7156 of 2016

Arising Out of PS.Case No. -319 Year- 2015 Thana -KHAGARIA District- KHAGARIA

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1. Gopal Kumar Son of Chit Ranjan Singh, R/o Village - Sihma, P.S. - Matihani, District - Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Chhote Kumar @ Chote Prasad Singh, S/o Late Permanand Prasad Singh, r/o Village - Rahimpur, Pachkutti, P.S. - Muffasil, District - Khagaria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Md. Ansural Haque(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 05-04-2016

The petitioner being husband of the victim is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 328, 313, 323, 34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act. Subsequently Section 304B I.P.C was also added. .

The prosecution case is of killing the daughter of the informant for non-fulfilment of dowry demand and getting the pregnancy terminated.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the daughter of the informant and got her trained as ANM but she was suffering from renal failure for which she was being provided adequate medical facility but ultimately due to the renal failure the victim died. It is further submitted that as per the own

admission of the informant that marriage was performed on 02.05.2008 when the victim died on 24.05.2015 the case does not come within the purview of Section 304B I.P.C. So far as 164 Cr.P.C statement of the victim is concerned, that suggests only torture. Hence, considering the 164 Cr.P.C statement also no case under Section 302 I.P.C is made out against the petitioner.

Learned counsels for the informant and the State submit that the victim got her 164 Cr.P.C statement recorded on 22.05.2015 where she alleged that she was being tortured and overdose of the medicines were given for getting the pregnancy terminated leading to her kidney failure.

Considering the fact that as per the own admission of the informant that the victim died after little about seven years of marriage, it is a case for consideration of prayer for regular bail of the petitioner, if the petitioner surrenders within a period of six weeks in connection with Khagaria P.S. Case No. 319 of 2015, pending in the Court of learned Chief Judicial Magistrate, Khagaria.

With the observations above, the application stands disposed off.

(Dinesh Kumar Singh, J)

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