

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9443 of 2016

Arising Out of PS.Case No. -207 Year- 2015 Thana -DHURAIYA District- BANKA

Ghanshyam Das @ Harijan, Son of Late Dhor Das @ Harijan resident of Village Motanga, P.S. Dhoraiya, District Banka.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Harendra Prasad (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 17-05-2016 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Dhoraiya P.S. Case No. 207 of 2015 registered for offences punishable under Sections 306, 328 and 34 of the Indian Penal Code.

The prosecution case as lodged by the informant Ramlal Das is that on 13.09.2015 at about 11.00 A.M. he went to Panjwara for purchasing fertilizer and in course thereof he went to village- Mutanga to see his daughter, Mamta Devi and grand daughter (Natni) and found that his daughter is vomiting. The informant came to learn from his daughter that due to fight with her husband the victim consumed poison. The victim also conveyed to the informant that the elder brother of her husband

instigated the husband to assault her and forced her to commit suicide. Thereafter, he returned home to bring his wife and on return the informant found his daughter dead.

It has been submitted by the learned counsel for the petitioner that he is the husband of the deceased, Mamta Devi, and the post mortem report of the deceased does not reflect any external or internal injury. In fact there was some dispute with the petitioner and deceased, who was not able to take her to Kolkata, where he worked and out of anger, the deceased, Mamta Devi committed suicide.

It has further been submitted that the elder brother of the petitioner, namely, Lakshman das @ Harijan das @ Lakshman Harijan has since been granted the privilege of anticipatory bail by a Co-ordinate Bench of this Court on similar allegations in Cr. Misc. No. 7203 of 2016 vide order dated 18.02.2016.

However, learned A.P.P. for State submits that the petitioner is named in the F.I.R., hence, opposes the prayer for bail.

Considering the post mortem report which does not reflect any external or internal injury and prima-facie it appears that the victim had consumed poison on her own, let the above named petitioner in the event of his arrest or surrender before the Court below within a period of eight weeks from today be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand

only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Banka in connection with Dhoraiya P.S.Case No. 207/2015, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Nilu Agrawal, J)

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