

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44498 of 2015

Arising Out of PS.Case No. -279 Year- 2014 Thana -SAMASTIPUR TOWN District-
SAMASTIPUR

=====

1. Birendra Kumar Jha son of Late Mul Kumar Jha resident of village -
Nirpur Mujauna, Police Station - Samastipur (Muffasil), District -
Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2

For the Opposite Party/s : Mr. P.N.Pandit(App)

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 18-01-2016 Heard learned counsel for the petitioner, learned

counsel for the informant as well as learned Additional Public

Prosecutor for the State.

Petitioner happens to be husband of the deceased.

The present case was registered under Sections 304B, 328/34 of
the Indian Penal Code on the basis of complaint petition filed by
mother of the deceased. Admittedly, the marriage of deceased had
taken place with petitioner 14 years ago and the aforesaid fact was
pleaded in the complaint petition but in spite of that the officer in
charge of Samastipur Town Police Station registered the case
under Sections 304B, 328/34 of the Indian Penal Code which
shows that the aforesaid officer in charge does not know even the

ABCD of the law. Moreover, in course of investigation, the elder son of the deceased stated before the investigating officer that it was informant who gave poison to deceased and abetted her to commit suicide but learned counsel for the informant submits that at para-8 of the case diary one eye witness claimed that it was petitioner who forcibly administered poison to the deceased.

Para-14 of the case diary shows that before death of the deceased her ferdbeyan was recorded by one A.S.I. in Sadar Hospital, Samastipur and in the aforesaid ferdbeyan, deceased stated that she consumed poison in fit of anger as there was some quarrel between her and her husband. The investigating officer, after completion of investigation, submitted charge sheet under Section 306 of the Indian Penal Code.

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 Chief Judicial Magistrate, Samastipur in connection with Samastipur Town P.S. Case No. 279 of 2014.

(Hemant Kumar Srivastava, J)

SHAHZAD/-

U		T	
---	--	---	--