

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10040 of 2016

Arising Out of PS.Case No. -72 Year- 2014 Thana -AGIAUN District- BHOJPUR

Pritam Kumar, son of Sri Bhagwan Singh, resident of Village-Ratnardh,
P.S.-Grahani(Agiaon), District-Bhojpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aditya Narayan Singh-1

For the Opposite Party/s : Mr. Rajeev Nayan(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-02-2016

Petitioner being husband of the victim is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 406, 304B/34 of the Indian Penal Code.

The prosecution case is of killing the daughter of the informant after two years of marriage for non-fulfilment of dowry demand of rupees five lacs.

It is submitted by learned counsel for the petitioner that victim was married with the petitioner in 2012 and she was being kept with full dignity and honour and never any demand of dowry was made. The victim has accidentally got burn injury on 02.02.2014 when the victim was taken to the PMCH and provided medical assistance but she ultimately succumbed to the injuries on 06.02.2014 leading to registration of UD Case No. 1 of 2015 on the fardbeyan of

Abhishek, son of the present informant and the own brother of the victim, where he has clearly stated that victim got accidental fire injury and was brought to the PMCH who died in course of treatment and has stated that none is responsible for the burn injuries. The said fardbeyan has been brought on record as Annexure-3 to the petition. Subsequently after about two months of the registration of the UD case, Complaint Case No. 796C of 2014 was filed on 19.04.2014 which came to be registered as Agiaon(Grahani) P.S. Case No. 72 of 2014 on 06.07.2014 which suggests the malicious prosecution at the hands of the present informant who is father of the victim.

Considering the delayed lodging of the complaint, the initial UD case registered at the behest of the own brother of the victim where he has not alleged anything and the same suggests that he was present with the victim prior to her death, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur, Ara in connection with Agiaon(Grahani) P.S. Case No. 72 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

If the investigation has not been concluded then petitioner will regularly cooperate in the investigation.

Non-cooperation in the investigation will give liberty to the prosecution to file appropriate application for cancellation of bail of the petitioner.

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(Dinesh Kumar Singh, J)