

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12629 of 2016

Arising Out of PS.Case No. -601 Year- 2012 Thana -SARAN COMPLAINT CASE District-
SARAN

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1. Om Prakash Singh, Son of Late Mangal Singh
2. Shailesh Kumar Singh @ Shailesh Singh Son of Om Prakash Singh
3. Amresh Kumar Singh @ Amresh Kumar, Son of Om Prakash Singh
4. Manish Kumar Singh @ Manish Kumar, Son of Om Prakash Singh
5. Rita Devi @ Rita Deo, Wife of Shailesh Kumar Singh All above are
resident of Village- Rauja, Police Station- Chapra, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Pashupati Singh, Son of Late Jamuna Singh, Resident of Muhalla-
Daldali Bazar, Police Station- Chapra Town, District- Saran.

.... Opposite Party/s

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Appearance :

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

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

2 18-03-2016 Heard learned counsel for the petitioners and the State.

The petitioners being the father, brothers and sister of the
husband of the victim are apprehending arrest in a Protest-cum-
Complaint case wherein process has been directed to be issued
after cognizance being taken for the offences punishable under
Sections 304 (B)/149 & 201/149 of the Indian Penal Code.

Prosecution case is that the daughter of the informant was
married to Kamlesh Kumar Sing on 10.06.2006 and after three



months of marriage, demand of Rs. 1 Lac, Coloru T.V. and Motor Cycle have been made, but the informant failed to fulfill the dowry demand. The victim made complain to the informant on 11.10.2010 that due to non fulfillment of dowry demand, she was being tortured. It is further alleged that on 11.10.2010 at about 12A.M., the informant received information on Mobile that his daughter sustained burn injury, the informant went to the in-laws house of the victim situated at village Rauza, but entire in-laws families were found absent. When the informant came to know that his daughter has been killed by causing burn injury and the dead body has been disposed of leading to registration of Chapra Town P.S. case No. 247 of 2010.

It is submitted by learned counsel for the petitioners that the victim daughter of the informant was residing with her husband at village Chattrapur Rudrapur in the district of Udham Singh Nagar in Uttarakhand and the victim died at Chattrapur Rudrapur due to accidental burn injury while cooking. The victim was taken to the hospital at Rudrapur in Jawahar Lal Nehru Government Hospital for treatment and further referred to Government Medical College, Haldwani, where she died during the course of treatment. The petitioners used to reside at the native



village. On conclusion of investigation, final form was submitted and petitioners were not sent up for trial but on protest-cum-complaint, cognizance has been taken u/s 304(B), 149 and 201 of the Indian Penal Code on 20.07.2015 by the learned Judicial Magistrate 1st Class, Siwan. It is further submitted that as per own admission of the informant, the informant came to know about the occurrence on 11.10.2010 but there was no occasion for the informant to lodge the present case after nine days of receiving information on 20.10.2010.

A statement has been made in paragraph -3, that the petitioners have no criminal antecedent.

Considering the fact that on conclusion of investigation accusation was not found true and petitioners were not sent up for trial, let the petitioners above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 10,000 (Rs. Ten Thousand) each with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Saran at Chapra in connection with Protest-cum-Complaint case No. C 601 of 2012 corresponding to U.T. No. 307 of 2015 (Arising out of Chapra

Town P.S. Case No. 247 of 2010), subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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