

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17758 of 2016

Arising Out of PS.Case No. -196 Year- 2015 Thana -GORAUL District- VAISHALI(HAJIPUR)

1. Manjeet Kumar son of Sri Birbahadur Rai Resident of Village Saidpur
Dumra P.S. Patepur, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate

For the Opposite Party/s : Mr. Gulnar Begum(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 21-06-2016

Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 364, 365, 498A, 304B of the Indian Penal Code.

The prosecution case is that the informant's daughter Shobha Devi was married with the petitioner in the year 2012 as per the Hindu rites, but subsequently demand of dowry as Rs.5,00,000/- was made. Subsequently, the daughter of the informant developed some disease for which she was being treated at Hazipur and subsequently taken by the petitioner and his cousin Shiv Dayal Rai to Delhi and was treated at AIIMS, New Delhi. The informant went to meet her daughter but he did not find her there as he was informed by the accused

persons that she was disappeared, thereafter the present case has been lodged.

It is submitted by the learned counsel for the petitioner that petitioner admits the marriage with Shobha Devi. Shobha Devi was suffering from some chronic ailment prior to the marriage for which she was not only treated locally at Hazipur but she was treated in New Delhi. She of her own went to her parent's house from Delhi, but on suspicion the First Information Report was lodged on 17.06.2015. Paragraph 44 of the case diary contains the statement of the daughter of the informant recorded by the Investigating Officer on 02.11.2015 at informant's house where she stated that she was suffering from ailment prior to the marriage, but she has not alleged any torture at the hands of the petition. Though, subsequent to getting her statement recorded under Section 161 Cr.P.C. on 06.11.2015 the victim died due to the illness. Paragraph- 50 of the case diary contains the statement of the informant who also admits that her daughter was suffering from ailment and she was cremated in presence of the petitioner and other family members.

Learned A.P.P. after going through the case diary submits that the First Information Report was lodged five months prior to the death of the victim on 17.06.2015 when the victim died on 06.11.2015. Learned A.P.P. also

submits that the statements of the victim as well as the informant recorded in the case diary do not suggest any torture at the hands of accused persons.

Considering the aforesaid facts, let the above named petitioner be released on bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate Vaishali at Hajipur in connection with Goraul (Kathara O.P.) P.S. Case No. 196 of 2015, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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