

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20435 of 2016

Arising Out of PS.Case No. -193 Year- 2015 Thana -PUNPUN District- PATNA

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Bablu Singh, son of Dinesh Singh @ Dinesh Prasad Singh, Resident of
Village- Neema (Baisa), P.S. Punpun Town and District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Dular Sah, Adv.

For the Opposite Party/s : Mr. Nagendra Pd. (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 01-08-2016 The S.D.P.O., Masaurhi and the I.O., of the case are

present in the Court.

The show cause filed on behalf of the SDPO is absolutely not satisfactory. The case was registered on 07.09.2015. The investigation has still not concluded. On question being asked that how the viscera report has not been received till date, the SDPO, Masaurhi submits that it has recently been sent to FSL which suggests the casual manner in which the case registered under Section 304B IPC is being investigated.

The case diary was called for vide order dated 09.05.2016 but the incomplete case diary was received on June, 2016 before this Court with recording of the case diary till 10.11.2015. Thereafter, vide order dated 22.06.2016, the Sr. S.P.,

Patna was directed to depute some responsible officer to be present before this Court on 28.06.2016 with explanation as under what circumstances incomplete case diary was transmitted to this Court. But on 28.07.2016, the matter was adjourned on the prayer of counsel for the State.

A show casue of Sr.S.P., Patna dated 28.07.2016 has been filed to the effect that SHO, Punpun and I.O. has been show caused but reason for the delay in transmission of non-updated case diary was the involvement of IO in just concluded Panchayat election. The I.O. further informed this Court that viscera has recently been sent to FSL since it was given by the PMCH.

In the circumstances, it is expected from the DIG, Patna Range to conduct an enquiry with regard to casual manner in which the investigation is being carried out, reason for delayed transmission of the viscera report to the FSL and take needful action against the IO of the Case and SDPO, Masaurhi within a period of six weeks and transmit an action taken report to this Court accordingly.

The petitioner being the husband of the victim is apprehending arrest in a case registered for the offences punishable under Sections 498A, 304B and 120B of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The basic accusation is of killing the daughter of the informant by administering poison for non-fulfillment of the dowry demand.

It is submitted by the learned counsel for the petitioner that as per the own admission of the informant that his daughter was married with the petitioner on 04.09.2015, the case does not come within the purview of Section 304B of the IPC, though, there is accusation that the victim was forcefully administered poison but no resisting injury was found during postmortem and viscera report has been kept reserved. The FSL report has not been received since it was recently transmitted by the investigating agency to the FSL. It is further submitted that though the witnesses have supported the case of poisoning as hearsay witnesses.

Considering the fact that as per own admission of the informant prima facie the case does not come within the purview of Section 304B of the IPC and the investigation has been kept pending due to laches on the part of the investigating agency, let the above named petitioner be released on anticipatory bail till conclusion of investigation, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with

two sureties of the like amount each to the satisfaction of the learned J.M., 1st Class, Masaurhi, Patna in connection with Punpun P.S. Case No. 193 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The appearance of SDPO, Masaurhi and I.O., of the present case is dispensed with.

(Dinesh Kumar Singh, J)

Amrendra/-

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