

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27523 of 2015

Arising Out of PS.Case No. -257 Year- 2014 Thana -BEUR District- PATNA

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1. Anil Kumar
 2. Dinesh kumar @Dinesh kumar Pandit Both sons of Dayanand Pandit
 3. Dayanand Pandit Son of Late Judagi Pandit
 4. Chinta Devi wife of Dayanand Pandit All resident of village - Gulariya Bigha p.s dhanarua, District Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Syed Mojibur Rahman, Adv.

For the Opposite Party/s : Mr. Awdhesh Kumar Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 03-10-2016 Heard learned counsels for the petitioner and the State.

The petitioner no.1 being the husband of the victim and petitioner nos. 2 to 4 being the brother and parents of petitioner no.1 are apprehending arrest in a case registered for the offences punishable under Sections 498A, 304B, 201 and 120B of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The prosecution case as per Bishwanath Pandit, who lodged the Complaint Case No. 29611C of 2014 on 14.11.2014 which came to be registered as Beur P.S. Case No. 257 of 2014 after being transferred under Section 156(3) of the Cr. P.C., is that the complainant/informant performed married his daughter with Anil Kumar, petitioner no.1, on 24.04.2012, but after few days of marriage, the in-laws started inflicting torture for non-fulfillment



of further dowry demand of ₹2,00,000/-, fridge, motorcycle and gold chain. The daughter of the informant informed her family members when the informant and his wife went to in-laws house of the victim and tried to pacify the issue, thereafter the daughter of the informant came to her parents' house. On 03.10.2014, the petitioner nos.1 and 3 came to the house of the informant and assured that henceforth no dowry demand will be made and daughter of the informant was being taken to Delhi where they reside. Ten days thereafter, the daughter of the informant rang up to convey that she is again being tortured and threatened to kill. Consequently, the complainant/informant went to Delhi and on 05.11.2014 he reached to Sangam Bihar residence of the accused persons and found his daughter dead and when the informant enquired about cause of death of the victim then the accused persons including the petitioners chased the informant to assault, thereafter, they disposed of the dead body.

It is submitted by the learned counsel for the petitioners that marriage between petitioner no.1 and victim on 24.04.2012 is admitted. There is no injury report on record to corroborate the accusation of assault. The injury report from Safdarjang Hospital was called for by a co-ordinate Bench of this Court vide order dated 02.05.2016. The report of the Safdarjang, Hospital dated 9th

May, 2016 at flag-‘A’ reflects that the victim Pooja wife of Anil Kumar was admitted with high grade fever associated with chills and rigorous abdominal pain but no bleeding injury was found. As per the doctor, the victim died due to severe sepsis with septic shock with multiple organ disfunction syndrome leading to cardio-respiratory arrest.

Learned counsel for the State, after going through the case diary, submits that the victim died within three years of marriage. There is specific accusation of demand of dowry against the petitioners. Paragraph no. 94 of the case diary contains the statement of the doctor of Safdarganj, Hospital which also suggests that the victim was suffering from high fever and the cause of death has been found due to multi-organ failure.

Considering the fact that accusation of causing death by assault is not being corroborated by the medical opinion, let the above named petitioners be released on anticipatory bail, 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) each with two sureties of the like amount each to the satisfaction of the learned JM, 1st Class, Patna in connection with Beur P.S. Case No. 257 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The bail bonds of the petitioners shall be accepted by the learned court below on filing separate affidavit by each petitioner that they will cooperate during investigation. The non-cooperation by the petitioners during investigation, will give liberty to the learned court below to cancel the bail bonds of the petitioners.

(Dinesh Kumar Singh, J)

Amrendra/-

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