

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25854 of 2016

Arising Out of PS.Case No. -649 Year- 2015 Thana -BANKA District- BANKA

- =====
1. Upendra Yadav Son of Late Genu Yadav
2. Gajiya Devi W/o Upendra Yadav Both resident of village- Sasan, Police Station- Banka, District- Banka

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. Gauri Shankar Gupta

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 28-09-2016 Heard learned counsels for the petitioners and the State.

The petitioner being parents of the husband of the daughter of the informant are languishing in custody since 4.3.2016 in a case registered under Sections 498A and 307/34 of the Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act. Later on, section 304B of the IPC was added.

The accusation is of killing the daughter of the informant after one and half years of marriage for non fulfillment of dowry demands by causing burn injury. The informant has claimed that in the hospital the victim

conveyed to her that she was put on fire by the husband and father in law.

It is submitted by the learned counsel for the petitioners that the thrust of accusation is against the husband of the informant. In the statements of the independent witnesses and neighbours of the petitioner recorded in paragraph nos. 22,23 and 52, they stated that the victim committed suicide by putting herself on fire.

It is submitted by the learned counsel for the State after going thorough the case diary that though the witnesses have suggested that the victim was put on fire but there is no eye witness to the occurrence and independent witnesses in paragraph nos. 22,23 and 52 of the case diary have stated that the victim herself committed suicide by putting herself on fire and on conclusion of investigation charge sheet has been submitted under sections 304B and also under section 306 IPC.

Considering the fact that there is no eye witness to the occurrence and even on conclusion of investigation the investigating agency was in confusion whether the offence committed was found under section 304B or

306 IPC, let the above named petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Banka in connection with Banka P.S. Case No. 649 of 2015.

(Dinesh Kumar Singh, J)

Anil/-

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