

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30090 of 2016

Arising Out of PS.Case No. -451 Year- 2015 Thana -KHAGARIA District- KHAGARIA

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1. Shri Ram Malakar, Son of Bal Mukund Malakar, Resident of Village-
Bhagat Tola, P.S. & District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Jha

For the Opposite Party/s : Mr. Md. Arif

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

5 19-11-2016

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered under
Sections-304B, 120B of the Indian Penal Code.

Petitioner happens to be husband of the deceased and
it is alleged that the deceased was subjected to cruelty by the
petitioner and his other family members on account of non-
fulfillment of dowry demand and subsequently, she was killed
within two years of her marriage. The dead body of the deceased
was recovered and in postmortem examination, some minor
injuries were found on her wrist and the doctor noticed that slight
froth was coming out from both the nostrils, however, no internal
injury was found on the person of the deceased and the doctor
reserved his opinion, regarding cause of death of the deceased till

receipt of viscera report. The aforesaid fact goes to show that after postmortem examination on the corpus of the deceased, the doctor was unable to form his opinion regarding cause of death of the deceased. However, the viscera report of the deceased goes to show that no metallic, alcaloidal, Glycosidal, Pesticidal or Volatile Poison were found in the contents, sent for chemical examination.

In course of investigation, some witnesses stated that prior to death of the deceased, her father-in-law made attempt to commit rape on her but submission on behalf of petitioner is that even if, above-said statement of witnesses assumed to be true, then also, there is nothing against the petitioner and moreover, the injuries, which were found on the person of the deceased, were not sufficient to cause death. The investigation against the petitioner has already been completed.

Considering the above-said facts and circumstances of the case as well as submission of the parties, let the petitioner named above, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Khagaria P.S. Case No. 451 of 2015 to the satisfaction of learned Chief Judicial Magistrate, Khagaria.

(Hemant Kumar Srivastava, J)

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