

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38330 of 2016

Arising Out of PS.Case No. -25 Year- 2016 Thana -LAKHNAUR District- MADHUBANI

1. Ram Babu Das S/o- Upendra Narain Das, resident of Village- Deep (West), P.S.- Lakhnaur (R.S.O.P), District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok

For the Opposite Party/s : Mr. Sri Bharat Lal

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 21-10-2016

The petitioner being elder brother of the husband of the victim is languishing in custody since 29.06.2016 in a case registered for the offences punishable under Sections 498A, 304B, 34 of the Indian Penal Code.

The prosecution case is that the daughter of the informant Fulo Devi performed love marriage with the brother of the petitioner Shyam Narayan Das. On 02.02.2016 at 11:00 P.M all the accused persons caused burn injuries to the daughter of the informant for non-fulfilment of dowry demand. Subsequently the accused persons brought the victim to D.M.C.H, Darbhanga and then to P.M.C.H, Patna where she died on 17.02.2016. The fardbeyan of the informant was recorded in P.M.C.H, Patna on 17.02.2016.

It is submitted by learned counsel for the petitioner that petitioner is computer mechanic and resides at

Kolkata. The victim died due to the accidental burn injury while cooking. The victim was provided medical assistance and now the investigation has already concluded.

It is submitted by learned counsel for the informant and learned A.P.P after going through the case diary that independent witnesses in paragraph Nos. 6, 7, 8 and 9 have supported the accusation to the effect that on alarm being raised they reached to the spot when the victim was naming her husband and this petitioner and others who caused burn injuries to her. It is further submitted that petitioner got two criminal cases lodged from jail itself against the informant's family of committing dacoity in the house of the petitioner which suggests that now the petitioner is coercing the informant and others.

It is submitted by learned counsel for the petitioner that the witnesses whose statements have been recorded in paragraph Nos. 6, 7 and 8 of the case diary were on litigating terms with the petitioner from before, hence they can not be treated as independent witnesses.

Considering the nature of accusation and the fact that two criminal cases have been registered by the petitioner against the informant's side, this Court is not inclined to grant bail to the petitioner at present.

Accordingly the application stands dismissed in connection with Lakhnaur(R.S.O.P) P.S. Case No. 25 of

2016, pending in the Court of learned Additional Chief Judicial Magistrate, Jhanjharpur, Madhubani.

However, the petitioner will be at liberty to renew the prayer for bail after examination of the informant during the trial. It is expected from the learned trial court to expedite the trial.

(Dinesh Kumar Singh, J)

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