

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45160 of 2015

Arising Out of PS.Case No. -380 Year- 2014 Thana -MADHUBANI TOWN District-
MADHUBANI

=====

Bhavnath Mishra @ Ballam Jee son of Binay Chandra Mishra, R/o village-
Akaur, P.S.- Benipatti, District- Madhubani.

.... Petitioner

Versus

1. The State of Bihar
2. Bibha Jha, W/o Ashok Nath Jha, resident of Ward No. 17, Station Road,
P.S. Sadar, District Madhubani

.... Opposite Parties

=====

Appearance :

For the Petitioner : Mr. Ashok Kumar Jha, Advocate
For the State : Mr. Anusuiya Jaiswal, APP
For the informant : Mr. Sachida Nand Kalkam, Advocate

=====

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL ORDER

5 08-03-2016 Heard learned counsel for the petitioner, the State
and the informant.

The petitioner apprehends his arrest in a case registered
for offences punishable under Section 498A, 323, 307, 504/34 of
the Indian Penal Code.

It is contended on behalf of the petitioner that the



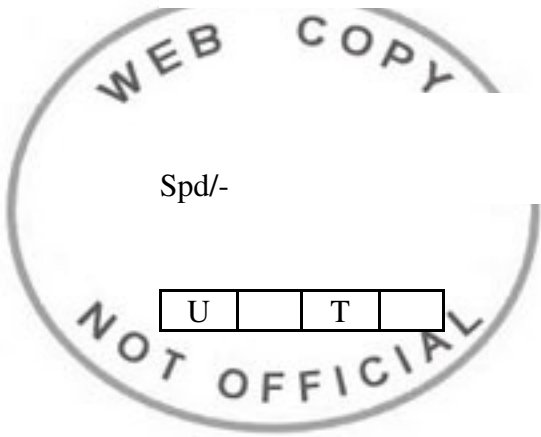
daughter of the complainant received injuries due to an accident and all along she was treated. The petitioner's family also supported her during treatment. In support of such submission petitioner has appended statement of the account of the petitioner's father in which during that period regularly heavy amount was withdrawn for treatment. He has also appended the documents of Nobel Hospital to show that even the sister-in-law (Gotani) of the deceased had donated blood during her treatment. It is contended that she was treated even at AIIMS and she died on 10.10.2014. Learned counsel submits that if the accident was stage managed and it was a design to kill her then it is intriguing as to why any first information report was not be lodged by the parents of the deceased immediately after the injuries upon the deceased. Secondly, why Complaint Case No. 861/2014 which was filed by the father of the deceased after about one year and why even that complaint case was never pursued and during the pendency of that another complaint case, i.e., present one was filed by the mother of the deceased. Both the complaint cases have been appended as Annexure 1 and 2. It appears that in earlier complaint it was stated that on 12.10.2013 the petitioner had purposely threw the daughter from the motorcycle, however, in the present complaint case it is stated that date of occurrence

is either 11.10.2013 or before it. There is apparent variation in the statement.

Learned counsel for the informant has submitted that in fact from the next date of marriage she was being tortured for dowry but he has not been able to answer the question as to why after accident, though she was treated at Madhubani, Patna then even at AIIMS but no first information report was lodged either at the instance of informant or even at the instance of Medical Officer / Doctor concerned and, after about one year, complaint cases were filed by her father and one by her mother during the pendency of the earlier complaint. He could not answer as to why the earlier complaint case was not pursued and eventually the same was dismissed under Section 203 of Cr.P.C. .

Having regard to the facts and circumstances of the case, let the petitioners, namely Bhavnath Mishra @ Ballam Jee be released on bail in the event of arrest/surrender before the court below within a period of six weeks from today in Nagar P.S. Case No. 380/2014, on furnishing bail bond of Rs.10,000(Ten Thousand Rupees) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Madhubani subject to the conditions as laid down under sub-section(2) of Section 438

of the Code of Criminal Procedure.



Spd/-

(Dr. Ravi Ranjan, J)