

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43831 of 2016

Arising Out of PS.Case No. -28 Year- 2015 Thana -SURYAGARHA District- LAKHISARAI

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Rajiv Singh @ Rajiv Kumar Son of Rambadan Singh

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2

For the Opposite Party/s : Mr. Sri Shyameshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 24-10-2016 Heard learned counsels for the petitioner and the

State.

The petitioner is languishing in custody since 02.04.2016 in a case registered for the offences punishable under sections 302, 328, 498A, 323, 504 and 34 of the Indian Penal Code.

Prosecution case is that Nikku Devi got married with Prem Shankar Singh in 2002 and at the time of marriage the father of the informant has given some land to the informant and her husband situated in Begusarai town, but thereafter further demand of dowry was made. It is alleged that the accused persons administered poison to the husband of the informant, as a result he died.

It submitted by learned counsel for the petitioner



that the present case got initiated on the basis of Complaint Case No.534/2015 which ultimately came to be registered as police case on 12.02.2015 whereas the petitioner being the own brother of the husband of the informant filed Suryagarha (Manikpur) P.S. Case No.15/2015 on 25.01.2015 under sections 306, 34 of the Indian Penal Code wherein the present informant is also an accused. In the present case, the police on conclusion of investigation did not send up the petitioner for trial. The final report has been brought on record as annexure-3 to the supplementary affidavit but the final report has neither been accepted nor any order has been passed on the same by the learned Court below but the petitioner has not been released. The same has been challenged by the petitioner by filing Cr. W. J. C. No.686/2016 wherein the order is reserved. A statement to that effect has been made in paragraph no.14 of the petition, which reads as under :-

That but when the final for neither accepted nor differed by the learned Court below and when the petitioner was not released from custody then he filed Cr.W. J.C. No.686/2016 before this Hon'ble Court and after hearing the parties the Judgment has been reserved on 18.08.2016."

Learned counsel for the petitioner further submits

that the present informant lodged two other cases against the petitioner, the first one is Suryagarha (Manikpur) P.S. Case No.257/2015 with accusation under sections 341, 323, 498A, 354B, 379, 352, 504 wherein the petitioner is on bail and other one is Complaint Case No.84/2016 filed under sections 379 and 386 of the Indian Penal Code wherein the petitioner has not been sent up for trial.

Considering the fact that on conclusion of investigation the petitioner has not been sent up for trial, the brother of the petitioner being husband of the informant died at the informant's house and the case lodged by the petitioner against the informant for the same incident at earlier point of time, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Lakhisarai, in connection with Suryagarha (Manikpur) P.S. Case No.28/2015.

(Dinesh Kumar Singh, J)

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