

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55692 of 2015

Arising Out of PS.Case No. -403 Year- 2015 Thana -MUZAFFARPUR SADAR
District- MUZAFFARPUR

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Kumar Niraj @ Niraj Kumar Son of Baban Kumar Shrivastwa, Resident of
Mohalla- Alkapuri, P.S.- Sadar, District- Muzaffarpur.

with

Criminal Miscellaneous No.54020 of 2015

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Baban Kumar Shrivastava Son of Ram Chandra Prasad Shrivastava
Resident of mohalla Alkapuri, P.S. Sadar, District - Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party in both cases.

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Appearance :

(In Cr.Misc. No.55692 of 2015)

For the Petitioner/s : Mr. Satyendra Narayan Singh

For the Opposite Party/s : Mr. Dr. Rabindra Kr.(App)

(In Cr.Misc. No.54020 of 2015)

For the Petitioner/s : Mr. Neeraj Kumar Alias Sanidh

For the Opposite Party/s : Mr. Amitesh Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

3 19-01-2016 Petitioners, who happen to be husband and father-in-law of the deceased respectively, apprehend their arrest in a case under sections 304B and 34 of the IPC on the allegation that they along with other family members committed torture and ultimately killed the sister of the informant by pressing her neck for non-fulfilment of dowry demand of a diamond ring and a golden chain.

Learned counsel for the petitioners denies the allegations stating that in fact husband of the deceased was staying at Pune and when he did not keep her with him, she got

infuriated and committed suicide by hanging herself. Even on the date of occurrence, petitioner Kumar Niraj was staying in Pune and on receiving the message, he reached Patna by train. In support of the submission, petitioners have annexed the relevant Rail ticket of that date. It is the further case of the petitioners that the Post mortem examination report also opines that the deceased died due to hanging. Learned counsel submits that at most allegation against the petitioners may be one of abatement.

As prima facie there is allegation of demand of dowry and torture resulting into death of informant's sister against all the family members, I direct that if the petitioner Kumar Niraj @ Niraj Kumar surrenders and pray for regular bail, the same would be disposed of same day taking into consideration that he was not present at the place when the occurrence took place.

So far as petitioner Baban Kumar Shrivastava is concerned, in the event of his arrest/surrender, he would be released on bail on furnishing bail bond of Rs.5,000/- with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Muzaffarpur in Sadar Police station Case No. 403 of 2015.

Shashi.

(Samarendra Pratap Singh, J)

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