

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55627 of 2015

Arising Out of PS.Case No. -27 Year- 2014 Thana -BIRUPUR SAHAYAK District- LAKHISARAI

Kundan Ram son of Suresh Ram resident of village - Narsingholi, P.S. Birupur, District - Lakhisarai.

.... Petitioner

Versus

1. The State of Bihar.
2. Sri Sudhir Ram son of Madan Ram resident of village - Mokama, P.S. Mokama, District Patna.

.... Opposite Parties

Appearance :

For the Petitioner : Mr. Nilanjan Chatterjee, Advocate
For the Opposite Parties : Mr. Smt.Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 02-03-2016 A counter affidavit filed on behalf of the O.P.No.2 has been kept on record.

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is apprehending his arrest in connection with Birupur P.S. Case No. 27 of 2014 for the offences instituted under Sections 302 , 201 and 304(B)/34 of the IPC.

The prosecution story, in brief is that the victim Puja Kumari was married with the petitioner about seven years ago from the incident. The accused/petitioner used to demand dowry and also torture to the victim. On 02.06.2014 the informant came to know that his daughter was killed by the *sasural* people including the petitioner. The informant claimed that his daughter was set fire by the *sasural* people including the petitioner and the petitioner happens to be husband of the deceased Puja Kumari.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The alleged occurrence is said to have taken place after ten years of the marriage. The deceased is said to have died accidentally in course of cooking.

On behalf of the State and the Informant, it has been submitted that the present case has been instituted due to mistake of fact and the petitioner is named in the FIR and a counter affidavit has been filed on behalf of the O.P.No.2 stating that the matter as has been settled between the parties as the FIR was instituted due to mistake of fact.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with Birpur P.S. Case No. 27 of 2014 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of Shri Rajiv Nayan, Judicial Magistrate, Ist Class, Lakhisarai, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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