

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43860 of 2016

Arising Out of PS.Case No. -29 Year- 2014 Thana -GOVINDGANJ District-
EASTCHAMPARAN(MOTIHARI)

=====

Kundan Patel son of Krishna Balabh Patel @ K.B. Patel

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ramakant Yadav, Advocate

For the Opposite Party/s : Mr. Sri Dashrath Mehta, APP

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-10-2016

Heard learned counsel for the petitioner and the State.

The petitioner being the nephew of the husband of the sister of the informant is apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 504, 498A/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The prosecution case is that on 21.02.2014, the accused persons took the informant's sister Sandhya Devi to matrimonial house and started demanding rupees three lacs from the victim to allow her to reside in the matrimonial house. It is specifically alleged that co-accused Ravindra Patel and K. B. Patel tried to strangle the victim by putting saree around her neck and thereafter assaulted her with fists and slaps when she got unconscious. The informant's sister was taken to hospital for treatment when after registration of the FIR, the victim died.

It is submitted by learned counsel for the petitioner that the sister of the informant was suffering from meningitis. The postmortem report reflects no external injury and maliciously the case has been lodged. The accusation is not specific against the petitioner. The victim died during treatment and above facts have been stated in paragraph nos. 8 and 9 of the petition, which read as under :-

"8.That the sister of the informant was suffering from meningitis and she died due to this reason.

9.That the postmortem report reflects no external injury an postmortem itself falsify the allegation of prosecution."

Though, the impugned order reflects that the investigation against the petitioner has still not concluded, but it is submitted that till date in the FIR sections 302, 304B of the Indian Penal Code have not been added.

Considering the accusation being not specific against the petitioner and the accusation being not corroborated by the medical opinion, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM,

Motihari, in connection with Govindganj P.S. Case No.29/2014,
subject to the conditions as laid down under Section 438(2)
Cr.P.C.

Ashwini/-

(Dinesh Kumar Singh, J)

U		T	
---	--	---	--