

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56633 of 2015

Arising Out of PS.Case No. -29 Year- 2015 Thana -ALAMGANJ District- PATNA

Kush Kumar Son of Bhola Thakur @ Bhola Nath Thakur Resident of
Village - kansara, P.s.-Rajapakar, Dist.-Vaishali

.... .. Petitioner/s

Versus

1. The State of Bihar

.... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur
Mr. Anil Kumar
For the Opposite Party/s : Mr. Raj Ballabh Singh (App)
For the Informant : Mr. Sivesh Chandra Mishra

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 16-09-2016 Heard learned counsel for the petitioner, Informant
and learned counsel appearing on behalf of the State.

The petitioner apprehends his arrest in connection with
Alamganj P.S. Case No. 29 of 2015 for the offences registered
under Section 306 of the Indian Penal Code and Section 34 of the
Dowry Prohibition Act.

Diary of the present case was called for, which has
since been received.

Learned counsel for the petitioner submits that
admittedly, the girl committed suicide in her Naihar and the
petitioner was away at his place of posting in Air Force. It is
further submitted that the petitioner and the victim girl had
entered into love marriage and the marriage was performed on
18.04.2012 in Patleshwar Mandir, Hajipur. Thereafter, the boy,



who is an employee in Air Force, went to his place of posting. The allegation against the petitioner is that he and his family members have been demanding dowry to the tune of Rs. 5 lakhs and a Bolero Vehicle. Even though, as per the allegation, the informant had already been paid an equal amount to him. Furthermore, it is alleged that the petitioner and the victim girl had talked to each other just 15 minutes prior to her committing suicide and therefore, the petitioner is wholly and squarely responsible for the act having been committed by the victim girl.

Learned counsel for the informant submits that there was continuous demand of dowry for the last 4 four years and thereafter, the victim girl being faced with such an intolerable situation committed suicide. Such an act was prompted on account of mental torture being made by the petitioner to the victim girl just prior to the time of occurrence.

Learned counsel for the State after perusal of the case dairy submits that the girl in question had committed suicide in her Naihar and it has been alleged that there was continuous demand of dowry. However, he submits that the marriage was a love marriage and the victim girl had never gone to live in her Sasural and also on query, as to whether the call details were taken or not, it is submitted that there is no investigation in that

direction that the victim girl had communicated with her husband, is but mere a speculation and cannot be conclusively said so.

Having considered the facts and circumstances of the case and also that the petitioner is a member of the Air Force and he is performing his duty regularly, it shall be in his interest to appear in the court below at regular intervals with due permission from his Superior Officer, as and when required by the Court. Thus, since the petitioner being a member of Air Force, is not likely to abscond or tamper with evidence as his place of posting is far away from the place of occurrence, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Patna City in connection with Alamganj P.S. Case No. 29 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that one of the bailors of the petitioner must be his blood relatives.

However, it is made clear that the petitioner shall inform

the court below about his place of posting at regular intervals so that the trial of the present case may not be prejudiced or delayed in any manner.

(Anjana Mishra, J)

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