

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.12133 of 2016

Arising Out of PS.Case No. -174 Year- 2015 Thana -SIMRI District- BUXAR

Chandan Singh son of Jawahar Singh

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Adv.

For the Opposite Party/s : Mr. C.Jawahar(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 07-04-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the victim is languishing in jail since 16.12.2015 in a case registered for the offences punishable under Sections 498A, 304B and 201/34 of the Indian Penal Code.

The prosecution case is of killing the daughter of the informant within 1½ years of marriage for non-fulfillment of the dowry demand.

It is submitted by learned counsel for the petitioner that two daughters of informant Sunita Devi namely Nandani and Nidhi got married with the petitioner and his brother. Nandani was married with the petitioner whereas Nidhi got married with the brother of the petitioner Kundan. The victim committed suicide since the petitioner made some financial help to the sister of the victim Nidhi. On conclusion of investigation, final form

(chargesheet) has been submitted under Section 306 IPC and the case under Section 304B IPC has not been found true, statement to that effect has been made in para 3 of the supplementary affidavit which reads as follows:-

“That the continuation of what has been said in paragraph no.10 of the bail application the deponent states and submits that charge sheet has been submitted against the petitioner under Section 306 of the Indian Penal Code. The accusation of the prosecution of a case under Section 304B of the Indian Penal Code has been found to be false.”

It is submitted by learned APP that the children of the victim have supported this fact that the petitioner used to torture and assaulting the victim but has not disputed this fact that the sister of the victim has supported the factum of committing suicide.

Considering the fact that on conclusion of investigation, chargesheet has been submitted under Section 306 of the IPC, let the above named petitioner be released on bail, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Buxar in connection with Simri P.S. Case No. 174 of 2015.

(Dinesh Kumar Singh, J)

Amrendra/-

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