

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17562 of 2016

Arising out of PS.Case No. -389 Year- 2015 Thana -MOTIHARI MUFASIL District- EAST
CHAMPARAN(MOTIHARI)

Awadhesh Rai, S/o Baidhnath Rai, resident of village - Santpur, P.S. -
Muffasil Motihari, District - East Champaran.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner : Mr. Ajay Kumar Singh, Advocate.

For the Opposite Party : Mr. Nand Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 24-05-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 13.01.2016
in connection with Muffasil Motihari P.S. Case No. 389 of 2015
for the offences instituted under Sections 304(B), 120(B) and 201
of the IPC.

The prosecution story, in brief, is that the informant
Gagandeo Rai has married his daughter Gita Devi with this
petitioner in the year 1999 according to Hindu rites and rituals.
After marriage, the accused persons alongwith the petitioner used
to torture and assault his daughter for dowry. In due course, two
children were born who are aged about 10 and 08 years. Despite



the attitude of the accused persons did not change and continued torture her. On 12.10.2015 the informant came to know that his daughter has been murdered by the accused persons due to demand of dowry and dead body has been concealed with view to disappear the evidence. The informant and witnesses went to the house of his daughter and found the accused persons absconding and they have also disappeared both the children.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner is in custody since 13.01.2016 and the charge sheet has been submitted in the present case. The alleged year of the marriage is 1999 and the occurrence is said to have taken place on 12.10.2015. Since the occurrence has taken place after seven years of marriage hence no offence under Section 304(B) IPC is made out in the present case. A petition has been filed on behalf of the informant that due to mistake of fact the present case was instituted which is Annexure-2 to the present application.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R. and he is the husband of the deceased.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail

bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., East Champaran at Motihari in connection with Motihari Muffasil P.S. Case No. 389 of 2015.

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(Sudhir Singh, J)