

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18631 of 2016

Arising Out of PS.Case No. -66 Year- 2014 Thana -ASAWAN District- SIWAN

Indal Pal, Son of Ambika Pal, Resident of Village- Dharam- Khore, Police Station- Assaon, District- Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate

For the Opposite Party/s : Mr. J.N.Thakur(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 24-10-2016 Heard learned counsels for the petitioner and the State.

The petitioner being husband of the daughter of the informant is languishing in custody since 8.08.2014 in a case registered for the offences punishable under sections 498A/304B and 120B of the Indian Penal Code.

Prosecution case is that the informant's daughter Anuradha Kumari was married with the petitioner on 27.04.2013, but after three years of marriage the further dowry demand of motorcycle was made. The informant went to take the victim to her in-laws house on 08.08.2014 but he was not allowed to take her. It is further alleged that the petitioner informed the informant about illness of the victim and her hospitalization.

Subsequently, the petitioner further informed that the victim is dead. The informant reached to the place of occurrence and found the dead body of the victim under a Neem tree. The informant enquired from the villagers and came to know that she was being treated by an exorcist who assaulted her.

It is submitted by learned counsel for the petitioner that the victim was suffering from some ailment. The post-mortem neither reflects any injury nor the cause of death has been ascertained and the viscera has been preserved.

Mr. J. N. Thakur, learned counsel for the State is permitted to unsealed the FSL report received through memo 529/Go RFSL228/2015, dated 03.10.2016.

The FSL report of the victim suggests that no Metallic, Alkaloidal, Glycosidal, Pesticidal and volatile poison could be detected in the dark brown fluid sample.

Learned counsel for the petitioner further submits that since the victim did not die an unnatural death particularly of any burn injury, hence, on this score above no case under section 304B of the Indian Penal Code is made out. Considering the fact that no injury was found on the dead body of the victim, the parents of the petitioner have been granted bail vide Criminal Miscellaneous No.13782/2015.

Learned APP after going through the case diary submits that no direct evidence has been collected during investigation against the petitioner, but it has come that the victim was under the treatment of an exorcist, who assaulted her.

Considering the accusation being not corroborated by the FSL report, let the above named petitioner 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 learned Additional Sessions Judge-II, Siwan, in connection with Assaon P.S. Case No.66/2014.

Let the report of the FSL be kept under sealed cover again and office to return the same to concerned authority.

(Dinesh Kumar Singh, J)

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