

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52536 of 2015

Arising Out of PS.Case No. -338 Year- 2014 Thana -PARWATTA District- KHAGARIA

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Vijay Yadav Son of Late Mukti Yadav, Resident of Village - Salarpur, P.S.
Parbatta, District - Khagaria.

..... Petitioner

Versus

The State of Bihar

..... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Advocate
For the Opposite Party/s : Mr. Anil Kumar Singh 1, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 30-01-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in connection with Parbatta
P. S. Case No. 338/2014/G.R.No. 01/2015 registered under
Section 304-B/34 of the Indian Penal Code.

It has been contended that though the FIR is registered
under Section 304-B/34 of the Indian Panel Code, in course of
investigation, it transpired that there was no demand of dowry
by the petitioner and the victim was never subjected to any
cruelty for non-fulfillment of demand of dowry. It has further
been contended that the wife of the petitioner did not want to
live in a joint family and she always insisted the petitioner to be
separate himself from his family members. Referring to

paragraphs no. 66 and 74 of the case diary in which statements of Usha Devi and Nilam Devi have been recorded, it has been contended that the victim committed suicide and though the petitioner did not abet the same, the investigating officer has recommended for submission of report under Section 173(2) of the Code of Criminal Procedure under Section 306 of the Indian Penal Code.

After going through the case diary, the learned counsel for the State has conceded that the allegation of demand of dowry has not been supported by the witnesses during investigation and therefore, the Investigating Officer of the case has recommended for submission of charge-sheet under Section 306 of the Indian Panel Code.

Regard being had to the facts and circumstances of the case, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Parbatta P.S.Case No. 338/2014/G.R.No. 01/2015.

(Ashwani Kumar Singh, J.)

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