

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6318 of 2016

Arising Out of PS.Case No. -311 Year- 2015 Thana -LAHERIASARAI District- DARBHANGA

1. Gopal Thakur son of Vijay Kant Thakur, resident of Village- Kanshi, Police Station- Simri and District- Darbhanga. At present Mohalla- Belaganj, Police Station- Laheria Sarai, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2

For the Opposite Party/s : Mr. Parmeshwar Mehta(App)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 11-03-2016 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Laheriasarai Police Station Case No. 311 of 2015, disclosing offences under Section 304B/34 of the Indian Penal Code.

The petitioner is the husband of the deceased.

Learned Counsel for the petitioner submits that it is evident from the First Information Report that there is no allegation of demand of dowry immediately before the death of the deceased, which is an essential ingredient for constituting an offence under Section 304B of the Indian Penal Code. He further submits that the conduct of the

petitioner in informing the police and the informant about the death of the deceased before her cremation shows his bonafide.

Learned Additional Public Prosecutor appearing on behalf of the State has not been able to show that any material could be collected in course of investigation showing demand of dowry immediately before the death of the deceased. According to his own submission, the police have found the case to be true only under Section 306 of the Indian Penal Code, but at the same time, has failed to demonstrate as to how the petitioner could be said to have abetted the commission of suicide by the deceased.

Considering the facts and circumstances and submissions advanced, this application is allowed.

Let the petitioner, Gopal Thakur, in the event of his arrest or surrender before the Court below within six weeks from today, 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 Chief Judicial Magistrate, Darbhanga, in connection with Laheriasarai Police Station Case No. 311 of 2015, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the

petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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