

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17761 of 2016

Arising Out of PS.Case No. -291 Year- 2015 Thana -GHOSI District- JEHANABAD

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Chhote Kumar @ Bhanu Prakash son of Sri Dudhnath Sharma resident of
Village- Ginji, P.S.- Ghoshi, District- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Imteyaz Ahmad

For the Opposite Party/s : Mr. Shantanu Kumar (App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 21-06-2016 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner being the *Dewar* apprehends his arrest in connection with a case registered for the offences punishable under Sections 304(B)/201/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that though the allegation has been carved out under Section 304 (B), actually the marriage took place 7-8 years back and, therefore, the provisions of Section 304(B) of the Indian Penal Code would not be attracted. He further contends that the petitioner being a *Dewar*, can at best be roped under Section 201 of the Indian Penal Code as it is stated in the First Information Report itself that he was participating in the disposal of the body after the death of the victim girl.

Learned counsel appearing on behalf of the informant

however, submits that the role of the present petitioner, the *Dewar*, in the alleged crime cannot be ruled out or negated as he had been actually participating in the torture as well.

Learned counsel for the State after perusal of the case dairy has also pointed out to several paragraphs of the case dairy wherein independent witnesses have stated that the marriage in question had taken place 7-8 years back and thus the provisions of Section 304-B of the Indian Penal Code would not be attracted. So far as the other allegations of torture by the petitioner are concerned, there is no specific role assigned to the petitioner, save and except that he was found to have been participating in the disposal of the dead-body of the victim.

Considering the entire gamut of circumstances and the fact that the petitioner is a student and is studying, let the petitioner, in the event of his arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jehanabad in connection with Ghoshi P.S. Case No. 291/2015, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

It is made clear that the petitioner shall be present during the

course of trial at all material times and shall not absent himself from the Court for more than two consecutive dates. It is further directed that one of the bailors of the petitioner shall be his father who shall keep the Court apprised of the movement of the petitioner.

(Anjana Mishra, J)

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