

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37385 of 2016

Arising Out of PS.Case No. -106 Year- 2016 Thana -PIRO District- BHOJPUR

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Gupteshwar Goswami son of Late Bhola Goswami, Resident of Village-
Gundi Saraiya, Police Station- Krishnagarh (O.P.) Barahara, District-
Bhojpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rahul Nath

For the Opposite Party/s : Mr. Parmeshwar Mehta

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 08-11-2016 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the offence

punishable under Section 304(B) of the Indian Penal Code.

Petitioner is husband of the deceased and according to
prosecution case itself, the marriage of petitioner had taken place
with deceased in the year 2005 whereas deceased died in the year
2016 i.e. after eleven years of her marriage but even then the
police not only registered the case under Section 304B of the
Indian Penal Code but also submitted charge sheet against the
petitioner for the above stated offence. It would appear from
perusal of the case diary that the mater was supervised by the



Dy.S.P. and Superintendent of Police, Bhojpur but both the aforesaid police officials failed to take note of this fact that the offence of Section 304B of the Indian Penal Code is attracted when death takes place within seven years of marriage. Moreover, the investigating officer has noted at para-6 of the case diary that dead body of the deceased was found hanging from ceiling. No doubt, the informant claims that deceased was subjected to cruelty by her husband due to non fulfilment of illegal demand but so far as death of the deceased is concerned, not a single witness has claimed to have seen the petitioner committing the alleged crime.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bhojpur at Ara in connection with Piro (Hasan Bazar) P.S. Case No. 106 of 2016.

Let a copy of this order be sent to Deputy General of Police, Bihar, Patna so that he could know how the police officials are investigating the serious cases in casual manner.

(Hemant Kumar Srivastava, J)

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