

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31242 of 2016

Arising Out of PS.Case No. -217 Year- 2015 Thana -RAJAUN District- BANKA

1. Amit Kumar Son of Ashok Singh@Ashok Saran Singh Resident of
Village- Pattichak, P.S Rajoun, district Banka,.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indeshwari Prasad Mandal, Advocate

For the Opposite Party/s : Mr. Mr. Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

3 28-09-2016

Heard learned counsel for the petitioner
and the State.

Petitioner being the husband of the
daughter of the informant is languishing in custody since
08.06.2016 in a case registered for the offences punishable
under Sections 498A, 304B/34 of the Indian Penal Code.

The prosecution case is of killing the
daughter of the informant after about six years of the
marriage. It is alleged that though the demand of dowry was
not made by the accused persons, but the daughter of the
informant used to be assaulted frequently. On information
that the daughter of the informant was killed, the informant
went to in-law's house of her daughter.

It is submitted by the learned counsel for
the petitioner that though the case was registered under



Sections 498A, 304B/34 of the Indian Penal Code, but the informant has clearly stated in the First Information Report that there was no demand of dowry, hence the case does not come within the purview of Section 304B of the Indian Penal Code. The post-mortem report reflects the bleeding through both nostrils, bruise on the right and left cheek, multiple small size bruise below right ear and one nail bite in front of upper chest, but the doctor did not find the injury sufficient to cause death. Hence, opinion was reserved with regard to cause of death, awaiting F.S.L. report. On conclusion of investigation, Final Report has been submitted under Section 306 of the Indian Penal Code.

It is submitted by the learned counsel for the informant that there is accusation of making assault in the First Information Report, which is being corroborated by superficial bruise and nail bite injury found during post-mortem, but does not dispute this fact that the Final Report has been submitted under Section 306 of the Indian Penal Code.

Considering the fact that investigation has already concluded and the Final Report has been submitted under Section 306 of the Indian Penal Code, let the above named 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 learned Chief Judicial

Magistrate, Banka in connection with Rajoun P.S. Case No. 217
of 2015.



(Dinesh Kumar Singh, J)