

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39820 of 2016

Arising Out of PS.Case No. -268 Year- 2016 Thana -PHULWARI District- PATNA

Ashish Kumar S/o Mukesh Kumar Singh @ Sukesesh Kumar Singh @
Sukesesh Singh, R/o at Village- Nawada, Purwari Tola, P.S.- Phulwarisharif,
District- Patna.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

with

Criminal Miscellaneous No.40349 of 2016

Arising Out of PS.Case No. -268 Year- 2016 Thana -PHULWARI District- PATNA

Mukesh Kumar Singh @ Sukesesh Kumar Singh @ Sukesesh Singh @ Mukesh
Singh S/o Late-Durga Prasad Singh R/o at Village- Nawada, Purwari Tola,
P.S.-Phulwarisharif, District-Patna

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.39820 of 2016)

For the Petitioner/s : Mr. Sanjay Kumar @ Manu

For the Opposite Party/s : Smt. Anita Kumari Singh

(In Cr.Misc. No.40349 of 2016)

For the Petitioner/s : Mr. Sanjay Kumar @ Manu

For the Opposite Party/s : Smt. Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 01-12-2016 Supplementary affidavit is filed on behalf of the

petitioner in Cr. Misc. No. 39820 of 2016.



Both the above stated petitions have arisen out of Phulwarisharif P.S. Case No. 268 of 2016 registered for the offences punishable under Sections 304B/34 of the Indian Penal Code as well as Section 34 of D.P. Act and accordingly, both the above stated petitions are being disposed of by this common order.

Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

Petitioner in Cr. Misc. No. 39820 of 2016 is husband whereas petitioner in Cr. Misc. No. 40349 of 2016 is father in law of the deceased. The marriage of deceased had taken place with petitioner in Cr. Misc. No. 39820 of 2016 on 24.06.2012 and it is admitted case of the parties that deceased was found at the gate of Gardanibagh hospital in unconscious state on 10.05.2016 and after that she was got admitted in the aforesaid hospital where she died in course of her treatment. The information regarding the aforesaid incident was given by one Ashok Kumar, who stated in his statement that one unknown person came there by a tempo and dropped the deceased at the gate of the hospital.

The written report of the informant goes to show that petitioner in Cr. Misc. No. 40349 of 2016 gave

information regarding missing of the deceased in the morning of 10.05.2016.

Learned counsel for the petitioners submits that petitioner in Cr. Misc. No. 39820 of 2016 was physically handicapped up to 60 percent and similarly, deceased was also physically handicapped and as a matter of fact, the relative of deceased played role of mediator in the marriage of aforesaid petitioner and deceased, which is evident from perusal of para-12 of the case diary. It is further submitted that the main consideration of marriage of above stated petitioner and deceased was their physical inability and there was no demand of any dowry. It is further submitted that after death of the deceased the informant lodged this case with ulterior motive.

Para-80 of the case diary goes to show that in CCTV footage it was found that one unknown person dropped the deceased near the gate of the hospital. Moreover, the witnesses stated in course of investigation that deceased was missing from her matrimonial home since 09.05.2016 but para 86, 108 and other relevant paragraphs of the case diary go to show that deceased was dropped at the gate of the hospital by elder brother of petitioner in Cr. Misc.

No. 39820 of 2016. The death of the deceased was unnatural and there is allegation of illegal demand as well as torturing.

Therefore, considering the aforesaid facts and circumstances as well as submissions of the parties, both the above stated petitions stands rejected.

(Hemant Kumar Srivastava, J)

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