

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39838 of 2015

Arising Out of PS.Case No. -130 Year- 2014 Thana -KAKO District- JEHANABAD

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Amit Kumar, Son of Laldeo Paswan, Resident of Village- Nadiyawan,
Police Station- Kako, District- Jehanabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Syed Asgher Najmi, Advocate
For the State : Mr. Umeshlal Verma(APP)
For the Informant : Mr. Ranjeet Kumar Mishra, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 21-01-2016 Heard learned counsel for the petitioner and the

learned counsel for the informant as well as the learned counsel

appearing on behalf of the State.

The petitioner, being the husband of the deceased
lady, is apprehending his arrest in connection with Kako P.S.
Case No.130 of 2014 for allegedly having committed the
offence under Section 304B/34 of the Indian Penal Code.

Case diary in the present case was also called for,
which has since been received.

Learned counsel for the petitioner submits that though
the present case is of unnatural death, the marriage in question
did not take place within the parameters as prescribed under
Section 304B of the I.P.C. Learned counsel submits that the
post-mortem report also indicates that it is a case of death by

hanging in which the deceased had committed suicide. He further submits that actually the occurrence had taken place on account of certain differences between the deceased and her *Bhabhi* as the deceased had gone to her paternal home on the occasion of *Rakhi* where she had some altercation and fight with her *Bhabhi*.

It is submitted by the learned counsel for the informant that the marriage in question did not take place in the year 2006 as has been brought out by the petitioner, rather the marriage had taken place only four years back and thus the provision of Section 304B I.P.C. is attracted. He further submits that the girl was throttled to death.

Learned counsel appearing on behalf of the State after perusing the case diary has pointed out several paragraphs wherein immediate neighbours as well as other villagers have pointed out that the marriage in question had taken place in the year 2006. So far as the demand of dowry is concerned, the petitioner is a mere labourer and demand of Marshal jeep has not come in the case diary, save and except the statement of the informant-father of the deceased girl.

Learned counsel for the petitioner in reply to the averments made by the informant submits that the post-mortem report also indicates that there was no external injury, save and

except mechanical obstruction in the respiratory tract.

Considering the nature of injuries found, the questionable period indicated regarding the year of marriage and also that other villagers have stated that the door was broken down as it was found locked from inside, this Court, *prima facie*, feels that there is a cloud on the prosecution story.

Considering the aforementioned facts and circumstances and also that other accused persons have been extended the privilege of anticipatory bail by this Court in Cr.Misc. No.2757 of 2015, vide order dated 21.5.2015, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of ₹10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Jehanabad, in connection with Kako P.S. Case No.130 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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