

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23065 of 2016

Arising Out of PS.Case No. -147 Year- 2008 Thana -BABUBARHI District- MADHUBANI

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Shiboo Sahani son of Ram Deo Sahani resident of Khojpur Nawaka Tole
P.S. Babubarhi, District Madhubani.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mrs. Meena Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 02-08-2016 Heard learned counsel for the parties.

The petitioner being the husband of the victim is languishing in custody since 23.2.2016 in a case registered for the offences punishable under sections 498A, 304B, 120B of the Indian Penal Code.

Prosecution case is that the daughter of the informant Ranju Devi got married with the petitioner in the year 2002 but subsequent to the marriage the daughter of the informant was tortured for non-fulfillment of dowry demand of she-buffalo and Rs.15,000/-. On information that the daughter of the informant has been killed and attempt is being made to dispose of the dead body, the informant rushed to the matrimonial house of her daughter and came to know that the accused persons have gone to Khutauna, where the informant saw the dead body of his daughter. It is also

alleged that the accused persons made assault to the daughter of the informant and forcefully administered poison.

It is submitted by the learned counsel for the petitioner that the marriage between the petitioner and the daughter of the informant is admitted. Victim died on 1.6.2004 when the complaint was filed on 7.6.2004 which came to be registered as police case on 15.7.2008. On the alleged date of occurrence U.D.Case No. 2/2004 was registered at the behest of the informant. Initially the witnesses did not support the accusation of killing but the statement of some of the witnesses under section 164 Cr.P.C. was recorded after several years of registration of the F.I.R.. The informant has retracted from the initial version and filed a petition to that effect before the learned court below.

Learned A.P.P. after going through the case diary does not dispute the fact that after four years of lodging of the complaint the police case was registered and after about ten years of filing of the complaint statement of witnesses under section 164 Cr.P.C., implicating the petitioner, were recorded.

Considering delayed filing of the complaint and the fact that after four years of the case being transferred by the court under section 156(3) Cr.P.C. the police was registered the F.I.R. when U.D.Case was registered in 2004 at the behest of the informant wherein no

accusation has been levelled against the petitioner and moreover, the informant retracted from the initial accusation and filed a petition before the learned court below, let the petitioner, abovenamed, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 1st Class, Madhubani in Babubarhi P.S.Case No. 147/2008.

(Dinesh Kumar Singh, J)

Surendra/-

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