

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8618 of 2016

Arising Out of PS.Case No. -3730 Year- 2010 Thana -PURNIA COMPLAINT CASE District-
PURNIA

=====

Robin Bishwas son of Indal Bishwas, resident of village- Malhariya, P.S.-
Baisi, District-Purnea

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Dr. Bidhu Ranjan, Adv.

For the Opposite Party/s : Mr. Anil Kr. Singh No.1 (App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 23-02-2016

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a protest cum complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 304B of the Indian Penal Code.

The prosecution case is of killing the daughter of the informant after 6^{1/2} years of the marriage for non-fulfillment of the dowry demand.

It is submitted by learned counsel for the petitioner that the victim died on 12.05.2010 but the complaint petition was filed on 18.05.2010 which was ultimately registered as a police case on 01.06.2010. On conclusion of investigation, the police submitted final form and petitioner was not sent up for trial. Subsequently,

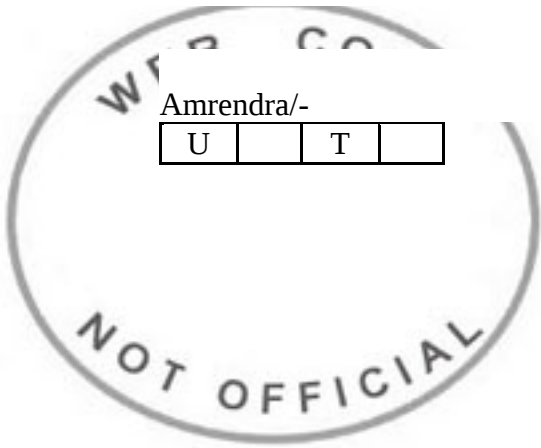


the court proceeded on protest petition filed on 16.07.2010 after accepting the final form on 07.10.2010 but ultimately after examining the four witnesses under 202 Cr. P.C., enquiry, process was directed to be issued after cognizance being taken under Section 304B IPC on 07.04.2015. It is further submitted by learned counsel for the petitioner that accusation of demand of dowry after 6^{1/2} years of marriage appears to be unreasonable. During pendency of the investigation, the petitioner transferred ten dhurs of land in favour of son of the victim and ₹50,000/- was transferred to the daughter of the victim. Both children of victim are in custody of the petitioner.

Considering the delayed lodging of the complaint, the petitioner being not sent up for trial, the order of cognizance has been passed after five years of submission of final form, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned J.M., 1st Class, Purnea in connection with Complaint Case No. 3730 of 2010, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The trial court will be at liberty to cancel the bail bonds

of the petitioner if he defaults for two consecutive occasions.



(Dinesh Kumar Singh, J)