

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9971 of 2015

Arising Out of PS.Case No. -186 Year- 2013 Thana -BARAULI District- GOPALGANJ

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1. Rakesh Kumar Singh Son of Sri Krishna Kumar Singh @ Udho Singh
resident of village - Devapur, P.S. Barauli, District - Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jeetendra Narayan

For the Opposite Party/s : Mr. Anil Kumar Singh 1(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 13-01-2016

Heard learned counsel for the petitioner and

learned counsel appearing on behalf of the State.

The petitioner being the husband, is apprehending his arrest in connection with Barauli P.S. Case No. 186 of 2013, registered for offences punishable under Sections 304(B), 201, 120B/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that though there is an allegation against the petitioner under Section 304(B), actually the victim lady had disappeared during the course of her journey between the Sultanganj and Babadham, where the entire family of the petitioner being himself, his brother, brother's wife and sister were all part of the team proceeding to Babadham. It is submitted that the victim lady went to attend the call of nature during the course of her journey but did not return back and, thereafter, the petitioner filed Annexure-2 on 2-8-2013, giving detailed descriptions of his wife. A Sanha was registered on

2.8.2013 bearing Station Diary Entry No. 34 of 2013 at P.S. Chanan, District-Banka. He further submits that though the body of the victim lady has not been recovered till date and the case continues to be one of missing, the family of the victim pre supposed that she is no more and accordingly registered a case under Section 304B. He further submits that earlier there were no allegations of mental torture or under Section 498A and the present allegation of demand of dowry has been carved out only to make out a case under Section 304(B).

Considering the nature of allegation and the present case has been lodged on pure suspicion and also that the petitioner has no criminal antecedent, let the petitioner above named, in the event of his arrest or surrender before the court below within a period of 4 weeks from the date of receipt/production of copy of this order, be released on bail on furnishing bond of Rs. 10,000 (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Barauli P.S. Case No. 186 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjana Mishra, J)

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