

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28923 of 2016

Arising Out of PS.Case No. -86 Year- 2014 Thana -DARAUNDA District- SIWAN

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Raj Kishore Gupta Son of late Mahesh Gupta Resident of Village: Aghaila,
PS: Dhanauli Siwan, Mufassil, District Siwan.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ramadhar Shekhar

For the Opposite Party/s : Mr. Sri Mritunjay Kumar Nirala

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 26-07-2016

Heard learned counsel for the parties.

The petitioner being the husband of the informant is languishing in custody since 6.5.2016 in a case registered for the offences punishable under sections 498A/34 of the Indian Penal Code and subsequently sections 304B, 306, 315/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act have been added.

Prosecution case as per Fardbeyan of Soni Kumari recorded on 11.4.2014 at 1 PM in Sadar Hospital, Siwan by S.I. Mukesh Kumar of Siwan Muffasil P.S. is to the effect that the informant was married with the petitioner on 4.12.2013, who is employed in Indo- Tibetan Boarder Force but within 4-5 days of the marriage torture was inflicted for non-fulfillment of dowry demands of Rs.5 lacs. After one month of the marriage the



informant got pregnant but the petitioner was doubting the bonafide of pregnancy and the accused persons got the pregnancy terminated. The informant came to the parent's house but there torture was inflicted through telephone calls and demand of dowry was made and due to performing another marriage the informant set herself on fire by pouring kerosene oil. Thereafter she was taken to the hospital where she was being treated but subsequently she succumbed to the injuries on 18.4.2014.

It is submitted by the learned counsel for the petitioner that the petitioner is employed in Indo- Tibetan Boarder Force. The victim was suffering from some mental abrasion for which she was being treated at Ranchi Mental Hospital. No proof of pregnancy being terminated has been brought on record. Admittedly the victim died at her parent's house and in order to save the skin of her parents she implicated her in-laws in the present case. The petitioner at the relevant point of time was posted in N.D.R.F. at Gaziabad and was on duty from 11.5.2013 to 20.1.2016 and certificate to that effect has been issued by the competent authority, which has been brought on record as Annexure 5 to this petition. It is further submitted that on conclusion of investigation the final report (charge sheet) has been submitted under sections 306, 315/34 of the Indian Penal Code

and 3/4 of the Dowry Prohibition Act.

It is submitted by the learned counsel for the informant that this is not in dispute that the victim committed suicide at her parent's house but it was due to torture inflicted by the petitioner and his family members. During investigation through the call details of the victim, though it is not on record, it is found that the petitioner made several calls for making dowry demand.

Considering the fact that admittedly the petitioner was not present at the place of occurrence and on completion of investigation final report (charge sheet) has been submitted under section 306, 315/34 of the Indian Penal Code and under section 3/4 of the Dowry Prohibition Act, 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 Addl. Chief Judicial Magistrate VIII, Siwan in Daraunda P.S.Case No. 86/2014.

(Dinesh Kumar Singh, J)

Surendra/-

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