

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43697 of 2016

Arising Out of PS.Case No. -71 Year- 2015 Thana -JOGBANI District- ARRARIA

Vikas Das @ Vikash Sah, S/o Mahendra Das, Resident of Village Bhatiyahi
Tatma Tola, P.S. Jogbani (Bathnaha O.P), District Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate.

For the Opposite Party/s : Mr. Sri Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

2 18-10-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Jogbani (Bathnaha) P.S. Case No. 71 of 2015 registered under
Sections 304(B)/34 of the Indian Penal Code and Section 3/4 of
the Dowry Prohibition Act.

The allegation of informant, Sulochana Devi, is that
the marriage of her daughter, Punam Kumari, was performed with
the petitioner before one year and at that time, she gifted
ornaments, other articles and cash Rs.41,000/- as per her capacity.
Her daughter was pregnant. Before eight days, she had gone to the
Sasural of her daughter for taking her "Bidagri", where her
daughter told her that petitioner and his family members used to



torture her for demand of motorcycle. At that time, in her presence, petitioner and his family members assaulted with fist and slaps at the abdomen of her daughter. Thereafter she returned to her house. On 01.08.2015, she received information on mobile from Sasural of her daughter to the effect that the condition of her daughter is serious. When she reached there and saw that her daughter lying unconscious on the ground and her mother-in-law was present nearby her daughter. She took her daughter along with the mother-in-law of her daughter by a Tempo to Forbesganj Referral Hospital for her treatment but Doctor found that baby child of her daughter died several days before. Thereafter, she was rushed to Jivan Jyoti hospital at Forbesganj where the Doctor done her operation and took out the baby child. In course of treatment, her daughter also died.

Learned counsel for the petitioner submits that petitioner is the husband of the deceased, in fact, due to complication during the pregnancy, her wife-deceased becomes serious and she was rushed for treatment to the Jivan Jyoti Hospital at Forbesganj, where operation was done and dead body of her baby child was taken out and in that course his wife also died, where the informant/mother of the deceased was also present but due to ulterior motive the petitioner and his family members

has falsely been implicated in this case. Moreover, the Doctor has also not found any external injury on the person of the daughter of the informant.

Considering the aforesaid submissions, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the A.C.J.M, Araria, in connection with Jogbani (Bathnaha) P.S. Case No. 71 of 2015, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

Bhardwaj/-

U		T	
---	--	---	--