

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41330 of 2016

Arising Out of PS.Case No. -32 Year- 2016 Thana -EKANGARSARAI District- NALANDA
(BIHARSHARIFF)

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Chandan Kumar @ Vimal Gope @ Ritesh Gope

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumari Sujata Sinha, Adv.

For the Opposite Party/s : Mr. Smt. Renuka Ratnakar, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-09-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the daughter of the informant is apprehending arrest in a case registered for the offences punishable under Sections 498A and 304B/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The accusation is of killing the daughter of the informant by strangulation after three years of marriage for non-fulfillment of the dowry demand.

It is submitted by the learned counsel for the petitioner that that the accusation is omnibus and general against the entire in-laws family. The petitioner was juvenile on the alleged date of occurrence as he was aged slightly above 16 years as the date of birth of the petitioner is 10.12.1999 and the date of occurrence is 17.02.2016.

The impugned order reflects that the death was caused due to asphyxia caused by throttling and the claim of juvenility was also taken before the learned Sessions Judge. Death of the victim after three years of marriage by throttling is admitted.

In view of the claim of the petitioner being juvenile on the date of occurrence, the present anticipatory bail application is not maintainable. Hence, without expressing any opinion on the merits of the case, this application is disposed of with liberty to the petitioner to seek appropriate remedy under The Juvenile Justice (Care and Protection of Children) Act, 2015 within period of four weeks from the date of receipt/production of a copy of this order.

Let no coercive steps be taken against the petitioner for a period of four weeks from the production or receipt of this order in connection with Ekangar Sarai P.S. Case No. 32 of 2016 pending in the court of learned SDJM, Hilsa, Nalanda at Bihar Sharif.

Accordingly, the application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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