

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26366 of 2016

Arising Out of PS.Case No. -109 Year- 2014 Thana -DANDKHORA District- KATIHAR

=====

Sunil Kumar Oroan, S/o Kusum Lal Oroan, R/o village Baghawa Pola,
Hasanganj, P.O. & P.S. Dandkhora, District Katihar.

.... Petitioner/s

Versus

1. The State of Bihar
2. Ruma Oraon, W/o Sunil Kumar Oraon, D/o Karam Chand Oraon, R/v –
Dahatola (Rotara) P.S. Rautara, District – Katihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Opposite Party/s : Mr. Sri Nand Kishore Pd

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 18-10-2016

Heard learned counsels for the petitioner and the

State.

The petitioner being the husband of the daughter

of the informant is apprehending his arrest in a case registered

for the offences punishable under Sections 304B and 120B/34

of the Indian Penal Code.

The prosecution case is of killing the daughter

of the informant after seven years of the marriage for non-

fulfillment of the dowry demand.

It is submitted by learned counsel for the

petitioner that the petitioner admits his marriage with the

daughter of the informant. The daughter of the informant herself

deserted the petitioner but subsequently she was recovered and her statement under Section 164 Cr.P.C. was recorded where she alleged torture against the petitioner as the petitioner suspected his wife's illicit relationship with his younger brother.

Notices were issued to the daughter of the informant vide order dated 27.06.2016. The office note dated 17.10.2016 reflects that ordinary process of notice has been received by opposite party no. 2. However, service report of registered cover of notice has not been received. In the circumstances, the notices issued to opposite party no. 2 deemed to be validly served. None is appearing on behalf of opposite party no. 2.

Learned counsel for the petitioner submits that the petitioner is still ready to keep the daughter of the informant with full dignity and honour, statement to that effect has been made in paragraph 21 of the petition, which reads as follows:-

“That petitioner is still ready to keep his wife and children with full dignity and respect if, she is ready to live as wife after forgetting illegal relationship with ‘cousin devar’ Nilkanth Oroan.”

Considering the present stand of the petitioner and the fact that no offence under Section 304B IPC is made



out since the wife of the petitioner is still alive, let the above named petitioner be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of twelve 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 learned Sub-divisional Judicial Magistrate, Katihar in connection with Dandkhora P.S. Case No. 109 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The present order will not preclude the daughter of the informant to resume the conjugal life. If the daughter of the informant files such application before the learned court below then the petitioner will be obliged to comply the undertaking given before this Court.

(Dinesh Kumar Singh, J.)

DKS/

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