

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7203 of 2016

Arising Out of PS.Case No. -207 Year- 2015 Thana -DHURAIYA District- BANKA

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1. LAKSHMAN DAS @ HARIJAN @ LAKSHMAN HARIJAN Son of
Dhori Das, @ Harijan, resident of Village Motanga, P.S. Dhoraiya, District
Banka.

.... Petitioner/s

Versus

1. THE STATE OF BIHAR.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : Mr. Nagendra Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

2 18-02-2016

Heard learned counsel for the petitioner and the
State.

The petitioner is apprehending his arrest in a
case registered for the offences punishable under Sections
306, 328/34 of the Indian Penal Code.

The prosecution case is that the informant went
to in-laws house of his daughter namely Mamta Devi on
13.09.2015 and found that she is vomiting. The informant
came to learn from his daughter that due to fight with her
husband the victim consumed poison. The victim also
conveyed to the informant that petitioner being the elder
brother of her husband instigated the husband to assault
her and force her to commit suicide, thereafter the
informant went home to bring his wife and other family

members, on return the informant found his daughter dead.

It is submitted by the learned counsel for the petitioner that petitioner is separate from the husband of the deceased. Post-mortem reflects no external injury even resisting injury. In fact the victim committed suicide since the husband was not ready to keep her at Kolkata.

Considering the fact that post-mortem reflects no external injury and prima facie from the accusation it appears that victim of her own consumed poison, let the above named petitioner be released on 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 bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sri P. Chouhan, J.M., Ist Class, Banka in connection with Dhoraiya P.S. Case No. 207 of 2015, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Dinesh Kumar Singh, J)

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