

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13911 of 2016

Arising Out of PS.Case No. -1187 Year- 2015 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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Vikash Jaisawal @ Vikash Kumar Jaisawal S/o Mahendrae Prasad Jaiswal,
R/o Village- Mohalla- Nayaganj, Surigama @ Suriyawan, P.S. Surigama,
District- Bhaduvay (U.P.)

.... Petitioner/s

Versus

1. The State of Bihar
2. Nagendra Chaudhary, S/o Late Suraj Chaudhary, R/o Mohalla- Pratap
Nagar, Sitamarhi, P.S.+District- Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Jha, Adv.

For the Opposite Party/s : Mr. Sharda Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 04-04-2016 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the daughter of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of the dowry demand.

It is submitted by learned counsel for the petitioner that the marriage of the petitioner with the daughter of the complainant on 01.05.2013 is admitted. The daughter of the complainant

received fracture injury on the leg on 28.04.2015 when she died on 28.06.2015 due to schizophrenia whereas the complaint was filed on 20.07.2015 and after examining the entire gamut of accusation, cognizance has only been taken under Section 498A of the IPC and Section 3/4 of the Dowry Prohibition Act.

It is submitted by learned counsel for the petitioner that the daughter of the complainant fell down from the bed accidentally as a result she received fracture injury and ultimately she died due to said injury.

Considering the delayed lodging of the case and the learned court below finding the prima facie case under Section 498A IPC and Section 3/4 of the Dowry Prohibition Act, it is a case for consideration of regular bail.

Let the learned court below consider the prayer for regular bail of the petitioner if he surrenders within a period of six weeks in connection with Complaint Case No. C1-1187 of 2015 pending in the court of learned CJM, Sadar, Sitamarhi.

Accordingly, the application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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