

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48311 of 2015

Arising Out of PS.Case No. -123 Year- 2015 Thana -DUMRA District- SITAMARHI

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1. Dadan Rai S/o Baijnath Rai resident of Village Bhaluaha P.S. Dumra District Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar

For the Opposite Party/s : Mr. Madhuri Lata(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 02-03-2016 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with a case registered for the offences punishable under Sections 304(B), 120(B), 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is husband of the deceased lady who is said to have died after hanging herself. He submits that marriage in question took place way back in the year 2007 and present occurrence took place in the year 2015, as such the provisions of Section 304(B) would not be attracted. It is further submitted that the demand for dowry is also frivolous. He submits that out of the said wedlock three children were born to the petitioner and the deceased and the present case has been lodged only on the basis of conjecture and surmises and the three children born out of the said wedlock are

being taken care of by the present petitioner. He further submits that as a father, he has moral responsibility to look after the children and, therefore, in the interest of children, he may be permitted the privilege of pre-arrest bail. It is submitted that he shall co-operate in all investigation and shall be available as and when required by the Court.

Learned counsel for the State after perusal of the case diary submits that the present case has been found to be one under Section 306 of the Indian Penal Code and not under Section 302 of the Indian Penal Code. He further submits that the deceased was of an erratic nature as is evident from materials in the case diary and had died out of hanging as is evident from the post-mortem report available in the case diary.

Considering the facts which have come forth in the investigation and also that the deceased was said to be an intemperate nature and that the petitioner is taking care of three children born out of the said marriage, let the petitioner, in the event of his arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the each amount to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with

Dumra P.S. Case No. 123/2015, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J)

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