

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46144 of 2016

Arising Out of PS.Case No. -75 Year- 2014 Thana -GORIAKOTHI District- SIWAN

- =====
1. Rajesh Prasad, son of Bacha Prasad
 2. Bacha Prasad, son of late Mahesh Prasad
 3. Manoj Kumar, son of Bacha Prasad

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Sri Amit Kumar Rakesh, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-10-2016 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 323, 341, 447, 406, 504, 506, 304B, 120B, 201/34 of the Indian Penal Code.

Prosecution case is that the informant performed his daughter's marriage with petitioner no.3 Manoj Kumar in the year 2003, but subsequent to the marriage further dowry demand of motorcycle and rupees fifty thousand was made, though the daughter of the informant gave birth to a child, who was aged about 10 years on the date of occurrence. Subsequently, torture was inflicted and ultimately on 30.04.2014 the daughter of the informant was killed by causing burn injuries. The informant



filed Complaint Case No.1163/2014 on 13.05.2014 which came to be registered as police case on 04.06.2014. On conclusion of investigation, the police submitted final report as mistake of fact hence the petitioners were not sent up for trial, but differing with the final report the learned CJM took cognizance under sections 306/34 of the Indian Penal Code.

It is submitted by learned counsel for the petitioners that the petitioners were not sent up for trial and the learned CJM mechanically took cognizance. Admittedly, there is no eye witness to the occurrence and as per own admission of the informant in the complaint petition that he received information about the death on 01.05.2014, but the complaint was filed on 13.05.2014. In fact the victim died due to accidental burn injuries while cooking food and she was taken to Ishwar Dayal Memorial Hospital, Patna and thereafter P.M.C.H, Patna, where she succumbed to the injuries.

Learned counsel for the informant submits that the specific case of the informant is that the victim was being tortured for non-fulfillment of dowry demand.

Keeping in view of the fact that admittedly the death of the victim took place after about 11 years of marriage, the informant being not an eye witness to

the occurrence and on conclusion of investigation petitioners were not sent up for trial coupled with the fact that the complaint was filed with inordinate delay, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Siwan in connection with Goriakothi (G. B. Nagar) P.S. Case No.75/2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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