

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49474 of 2017

Arising Out of PS.Case No. -521 Year- 2016 Thana -MANER District- PATNA

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1. Dharmendra Kumar S/o Sri Mishri Rai, R/o Village- Narayanpur, P.S.-
Maner, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur
Mr. Ravi Ranjan
Mr. Ritwaj Raman

For the Opposite Party/s : Mr. Sri Tarkeshwar Nath Thakur

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 01-12-2017

Heard the counsels for the parties.

The petitioner seeks bail in connection with Maner P.S.

Case No. 521 of 2016 dated 21.11.2016 instituted for the offences
under Sections 498(A), 302/34 of the Indian Penal Code and
Sections 3/4 of the Dowry Prohibition Act.

The petitioner is the husband of the deceased. The
marriage of the deceased with the petitioner was solemnized
sometimes in the year 2007. The informant, who is the father of
the deceased, has stated that whenever the deceased had come to
her parental house, nobody from her in-laws had come to take her
back. It is alleged that there was a demand for dowry and non-
fulfillment of the same led to mental and physical torture.

Learned counsel for the petitioner has submitted that



there existed most cordial relationship between the petitioner and the deceased and this is evident from the fact that two children were born out of the wedlock with the deceased. With respect to the demand of dowry and consequent torture, there has not been any complaint prior to the occurrence. The deceased is said to have died her natural death. The post-mortem report, this Court is constrained to say, does not indicate anything, i.e. neither has it been opined as to what is the cause of death nor the time of death has been ascertained. It is rather strange that the doctor conducting the post-mortem has not even taken care to indicate basic facts, which are required to be stated in a post-mortem report.

The petitioner is in custody since 27.11.2016.

Taking into account the aforesaid facts and the period of custody of the petitioner, this Court is inclined to grant bail to him.

The petitioner above named is directed to be released on bail on her furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Danapur in connection with Maner P.S. Case No. 521/2016.

However, the Secretary (Health), Government of Bihar, is directed to look into the matter and report to this Court



regarding the steps taken for preventing such casual and cavalier approach of the M.O. (Doctor) conducting the post-mortem.

The report be sent to this Court after a period of eight weeks.

Let a copy of the order be communicated to the Secretary (Health), Government of Bihar.

(Ashutosh Kumar, J.)

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