

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.55581 of 2017

Arising Out of PS.Case No. -14 Year- 2017 Thana -DORIGANJ District- SARAN

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Rajan Rai S/o Brij Kishor Rai, R/o Village- Sighi Bazitpur, P.S.- Doriganj,
District- Saran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhirendra Kumar Sinha

For the Opposite Party/s : Mr. Mr. Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 22-12-2017

Heard the counsels for the parties.

The petitioner seeks bail in connection with
Doriganj P.S. Case No. 14 of 2017 dated 20.01.2017 instituted for
the offences under Sections 304B, 201, 34 of the Indian Penal
Code.

The mother of the deceased has alleged that in
the year 2012, while the deceased had gone to take some
examination, she was abducted by the petitioner and his brother
and later the petitioner married her. After about some days of the
marriage, the informant had an occasion to meet her daughter
when she had complained that because of her having purchased a
box sometime in near past, she was being subjected to ill
treatment. It was further alleged in the F.I.R that because of



poverty, the case of kidnapping/abduction which was lodged by her was not pursued. On 20.07.2017, she was informed that her daughter has died. The dead body could not be recovered and no satisfactory explanation was given by the family members of the deceased.

Learned counsel for the petitioner has submitted that there is no allegation of demand of any money as additional dowry. He has further submitted that from the averments made in the F.I.R, no offence under Section 304B of the Indian Penal Code can at all be made out. That apart, it has been submitted that petitioner had married the deceased after a brief love affair and treated her well. This stand of the petitioner has been corroborated by the statement of the witnesses whose statements have been recorded in para 42, 43 and 44 of the case diary. The aforesaid witnesses have stated that petitioner has been named in this case because of his having married the deceased without the consent of the informant. Those witnesses have also stated that the deceased had given birth to two children and the third one had unfortunately died. Thereafter, the deceased had been suffering from excessive bleeding for which she was regularly treated by her family members. On the fateful day, when the deceased was being taken to the PMCH for treatment, she died on the way.



The petitioner is in custody since 04.05.2017.

Regard being had to the fact that there is no specific allegation in the F.I.R or in the investigation papers and the period of custody of the petitioner, this Court is inclined to grant bail to the petitioner.

The petitioner, above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) with sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, VII, Chapra in connection with Doriganj P.S. Case No. 14 of 2017.

(Ashutosh Kumar, J)

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