

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1131 of 2017

Arising Out of PS.Case No. -39 Year- 2015 Thana -CHAKAMHESI District- SAMASTIPUR

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Bipin Tiwari, Son of Bankey Tiwari, Resident of Village Bhagipatti, P.S.
Chakmehsi, District- Samastipur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad

For the Opposite Party/s : Mr. Pramod Kumar Pandey

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 16-01-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner is accused in connection with
Chakmehsi P.S. Case No. 39 of 2015, registered under Section
302, 201, 120(B)/34 of the Indian Penal Code.

The accusation is that the before 10 years, the
marriage of the daughter of the informant namely Nutan Devi
was solemnized with this petitioner, but she was being tortured
by her husband and other in-laws due to non-fulfillment of
demand of dowry. In the meantime, one son aged about 6 years
and one daughter, aged about 2 years born out of her wedlock.
On 03.12.2014, the informant received information on his
mobile that her daughter has been killed by her husband and
other in-laws, then she along with her relative went to her



matrimonial house, where she saw the crimination of her daughter was being done at the bank of pound.

Learned counsel for the petitioner submits that it would appear from the F.I.R. that on 03.12.2014 at the time of funeral ceremony of the wife of the petitioner, the informant, who is mother of the wife of the petitioner was present, but compliant petition has been filed by the informant on 15.01.2015 after one and half months, which is the basis of the F.I.R. Further submission is that it would appear from the F.I.R. that the marriage of the daughter of the informant was performed with this petitioner before 10 years of the occurrence as such the offence of Section 304B will not be attracted. Further submission is that, in fact, occurrence is said to be committed after 10 years of the marriage so no question arise about making demand of dowry from the daughter of the informant. Further submission is that deceased, wife of the petitioner, died due to falling down in the well at the time of taking water, funeral was performed in presence of the family members of the informant, but with ulterior motive, the present false case has been lodged. Further submission is that petitioner is in custody since 16.08.2016.

Having regard to the facts and the circumstances of



the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the ACJM-2nd, Samastipur in connection with.

(Rajendra Kumar Mishra, J)

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