

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36914 of 2016

Arising Out of PS.Case No. -254 Year- 2015 Thana -AHIAPUR District- MUZAFFARPUR

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Ravindra Singh Son of Late Ramanand Singh alias Late Ram Nandan Singh
Resident of Village- Shambhuta, Police Station- Aurai, District-
Muzaffarpur, presently residing at Mom Factory, Bairiya, Police Station-
Ahiyapur, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Archana Kumari wife of Ranjit Kumar Singh, Daughter of Dineshwar Singh Resident of Mohalla- Barah Pather, Ward No.14, Police Station- Town, District- Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash

For the Opposite Party/s : Mr. Smt. Suman Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 22.03.2017

Heard learned counsels for the petitioner and the State.

The petitioner has renewed the prayer for bail in a case registered for the offences punishable under Sections 341, 323, 326, 328, 498A, 379, 504/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The petitioner being the father of the husband of the informant is languishing in custody since 08.01.2016.

The prosecution case as per the fard-beyan of Archana Kumari recorded by S.I. Bijay Kumar Bharti, Town P.S., Samastipur on 24.03.2015 at 3.30 P.M. is to the effect that the



informant got married with Ranjeet Kumar Singh, the son of the petitioner on 14th March, 2007 who is a Class IV employee in North Bihar Gramin Bank. On 09.03.2015 the informant came to the petitioner's residence at Bairiya Moong Factory campus along with sister-in-law Neha Kumari @ Pammi. On 14.03.2015 while the husband of the informant went to bank and his brother Amit Singh went to hospital, the informant was taking rest in her room at 2.00 P.M. the petitioner and sister-in-law Neha Kumari entered into the room of the informant with boiled water in a pot and poured on her face and body. Thereafter they poured acid kept for cleaning toilet. On alarm being raised by the informant the door of her room was closed from outside by the petitioner and Neha Kumari. Thereafter the informant rang up her husband and husband's brother who suggested her to put coconut oil over the injury. Thereafter, the informant informed her father and brother, who on 14.03.2015 itself took her and admitted to Sadar Hospital, Samastipur but after being treated for a while she went to police station and got her statement recorded leading to registration of the present case on 25.03.2015.

It is submitted by learned counsel for the petitioner that the petitioner has brought on record the certified copy of the FIR as Annexure-2 which suggests that at two places



the date of occurrence has been mentioned as 14.03.2015 though the informant has signed the fard-beyan on 24.03.2015, moreover the attesting witnesses, to FIR, father and brother of the informant also signed the FIR on 24.03.2015. Hence, it appears that the FIR has been lodged with inordinate delay. Admittedly, the occurrence occurred at 2.00 P.M. and as per the fard-beyan the father and brother came after a considerable delay as they were informed when the husband and brother of the husband did not respond very positive. Hence, she was taken to hospital after few hours of receiving injury where she got normal after being admitted and treated for sometime and thereafter she came to police station but the formal part of the FIR reflects that the information was received by the police on 24.03.2015 at 3.30 P.M. which indicates two things either the occurrence did not take place on 24.03.2015 or for the occurrence of 14.03.2015 the FIR was lodged on 24.03.2015. Even assuming the date of occurrence as 24.03.2015 then it appears very unreasonable that within one and half hours she got normal, discharged from hospital and reached police station to lodge FIR.

It is further submitted that the injury report is not on record but an information supplied under R.T.I. Act from the office of Deputy Superintendent, Sadar Hospital, Samastipur



dated 24.05.2016 suggests that the informant had never been admitted in Sadar Hospital, Samastipur which is contrary to the claim of the informant that she was admitted in Sadar Hospital, Samastipur. The informant further suggests that the hospital never informed the town police station. The nature of injury was recorded as simple. It is submitted on behalf of the petitioner that there is nothing on record to suggest that the informant received acid burn injury. Moreover, Neha Kumari with similar accusation has been granted bail vide order dated 16.06.2016 by learned I/C S.D.J.M., East Muzaffarpur vide order dated 16.06.2016 which has been brought on record as Annexure-4.

Though, from the perusal of the order it appears that the learned SDJM has committed an error of record by recording that the only non-bailable offence alleged is 498A IPC though other non-bailable offence alleged in the FIR is under Section 326 IPC. Secondly since the petitioner executed bond for appearance in compliance of the notice issued under Section 41A of Cr.P.C. hence she was treated to be on police bail from before.

It is further submitted by learned counsel for the petitioner that though the charge-sheet has been submitted under Sections 324, 498A of the IPC and 3/4 of the Dowry Prohibition Act but still the charges have not been framed in the



matter. Statement to that effect has been made in paragraph no. 12 of the petition which reads as follows:-

“That, till the date no charges have been framed, as such trial is not likely to conclude in near future.”

Considering the accusation in the FIR being not corroborated by medical opinion, there is no likelihood of trial being concluded in near future and similarly situated accused Neha Kumari has been granted bail, let the above named petitioner, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, East Muzaffarpur in connection with Ahiyapur P.S. Case No. 254 of 2015.

The learned court below will be at liberty to cancel the bail bonds of the petitioner, if he defaults for two consecutive occasions.

(Dinesh Kumar Singh, J)

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