

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52257 of 2016

Arising Out of PS.Case No. -2 Year- 2014 Thana -KOTHI District- GAYA

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1. Rajdeo Mistry Son of Biksh Mistri Village- Salaiya, P.S. Kothi, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Gupta, Advocate

For the Opposite Party/s : Mr. Mustaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 13-01-2017 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

Petitioner is languishing in custody for the
offence punishable under Section 304B/34 of the Indian Penal
Code.

Petitioner is husband of Asha Devi, the daughter
of the informant. Asha was married with the petitioner 8-10 years
back to her death. She died leaving behind small children. There
is allegation of demand of dowry and torture.

Submission of the petitioner is that the case-diary
reveals that there is no eyewitness of the occurrence. The death
was after seven years of marriage, hence, presumption of law is
not attracted against the petitioner. There is no eyewitness of the



occurrence and the informant has filed a petition before the learned Court below that the informant was misled by the co-villagers about the real occurrence. He is in custody since 12.09.2016.

Considering the aforesaid facts, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya/Successor Court, in connection with Kothi P.S. Case No.2 of 2014.

(Birendra Kumar, J)

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