

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.16390 of 2017

Arising Out of PS. Case No. -157 Year- 2016 Thana -GOPALPUR District- BHAGALPUR

=====

Gautam Mishra @ Gautam Shandilya, Son of Dayanath Mishra, resident of Village- P.O. Bhawanipur, P.S. Gopalpur, (Rangra O.P.), District- Bhagalpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Ranjan Kumar Jha, Advocate

For the Opposite Party: APP

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

7 10-08-2017 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is in custody since 18.09.2016 in connection with Gopalpur (Rangra) P.S. Case No. 157 of 2016 for the offences alleged under Sections 304B and 120B/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

3. It is submitted that the petitioner has been falsely implicated and even according to the first information report, it was the petitioner-husband, who had himself informed the informant about the death. The petitioner and the deceased were married in the temple which suggests a simple ceremony without involvement of any dowry. There has been no complaint of any demand of dowry or torture by the petitioner since he was married to the deceased on 12.12.2015 and no specific overt has been alleged against the petitioner. As a matter of fact, the deceased had complained about heart pain and was taken to the Primary Health Centre a day prior to the death as evident from Annexure-5 enclosed with the supplementary affidavit. The petitioner claims clean antecedents.

4. Pursuant to the order dated 10.04.2017, case diary has been received. The viscera report has also been received as required by order dated 11.07.2017.



5. From the case diary it appears that no marks of any injury were found on the body of the deceased and cause of death has been kept reserved in the post mortem report till receipt of the viscera report. The viscera report does not disclose detection of any poisonous substance.

6. Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Naugachia, District Bhagalpur in connection with Gopalpur (Rangra) P.S. Case No. 157 of 2016 with the following conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

7. Let the Registry re-seal the viscera report and return the same to the Director, Forensic Science Laboratory, Patna. The Superintendent of Police, Bhagalpur and the Investigating Officer of the case shall ensure that a copy of the viscera report is submitted in the court concerned without delay.

(Vikash Jain, J)

B.T/-

U		T	
---	--	---	--

