

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50263 of 2017

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Raushan Kumar, Son of Ram Ayodhya Mahto, Resident of Village-Semra, P.S.- Dhaka, District- East Champaran.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ram Naresh Singh, Advocate.

For the Opposite Party : Mr. Md. Nazir Ansari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 12-12-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 17.12.2016 in a case for the offence registered under Sections 304(B) and 498(A) of the IPC.

The prosecution story, in brief, is that the accused persons including the petitioner killed the victim due to non-fulfillment of demand of dowry.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case due to petty family dispute. Prior to institution of the present



case, a Dhaka Thana U.D. Case No. 01/2016 dated 05.07.2016, was instituted by the father of the deceased where he has stated that the deceased died due to illness.. After a period of three months i.e., on 04.08.2016, an F.I.R. was instituted by the father of the deceased making an allegation constituting for the offence under Section 304(B) of the IPC alongwith other allied sections. Contradictions between U.D. Case and F.I.R. have not been explained by the prosecution. Delay in lodging of FIR has also not been explained by the prosecution.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, 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 the learned 2nd Additional Sessions Judge, East Champaran, Motihari, in connection with Sessions Trial No. 654/2017, arising out of Dhaka P.S. Case No. 215 of 2016.

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(Sudhir Singh, J)