

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56557 of 2017

Arising Out of PS.Case No. -103 Year- 2017 Thana -BHAGWANPUR District- BEGUSARAI

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1. Vinod Sah S/o Ram Karan Sah, R/o Village + Post Damodarpur, P.S.-
Bhagwanpur, District- Begusarai, presently residing at Zaimra, P.S. -
Zaimra, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Jha

For the Opposite Party/s : Mr. Sri Navin Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 11-01-2018

Heard the counsels for the parties.

The petitioner seeks bail in connection with
Bhagwanpur P.S. Case No. 103 of 2017 dated 16.06.2017 for the
offences under Sections 304(B) and 201 of the Indian Penal Code.

The petitioner is the husband of the deceased, with
whom he was married about six years ago. The sister-in-law of the
deceased has lodged the F.I.R. on 16.06.2017 alleging that on
15.06.2017, the petitioner informed her on telephone that the
deceased had died because of vomiting and diarrhoea. On such
information, the informant is said to have told the petitioner that
they would be visiting the matrimonial home of the deceased a day
later and that the dead body of the deceased ought only to be
cremated thereafter. However, it has been alleged that hurriedly



the dead body was disposed off by the petitioner and others.

Hence, the F.I.R.

Learned counsel for the petitioner has submitted that admittedly, the petitioner duly informed about the death of the deceased to the informant. On such information, the informant and other members of the family of the deceased came and participated in the cremation. But, for the reasons unknown to the petitioner, the present case has been lodged.

Learned counsel for the petitioner has drawn the attention of this Court to the fact that in the F.I.R., there is no reference of any demand of dowry in the past. It was only in the further statement, which was recorded on the same day, that the allegation of demand for dowry was introduced by the informant and other members of the family. A certificate of the doctor has also been brought on record indicating that the deceased suffered from Cholera and died during the treatment. She had been admitted in the hospital of Dr. A.K. Sharma on 15.06.2017 and she died at 4:30 PM on the same day.

There is no eye-witness to the occurrence as well.

During the course of investigation of this case, when the informant came to learn about the correct facts from the local Mukhiya and other respectable persons of the society that the



deceased had died because of Cholera and that she was afforded proper treatment, she swore an affidavit stating that the deceased died because of illness and that she has not been killed by the petitioner.

Learned counsel for the petitioner has further submitted that the petitioner surrendered before the court of learned Chief Judicial Magistrate on 10.07.2017 after the last rites and the ceremonies related to the death of a person in the family were over.

For the facts stated above, the petitioner above named is directed to be released on bail on his furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in connection with Bhagwanpur P.S. Case No. 103 of 2017.

(Ashutosh Kumar, J.)

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