

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37128 of 2018

Arising Out of PS.Case No. -211 Year- 2017 Thana -DESARI District- VAISHALI(HAJIPUR)

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1. Ankaj Kumar S/o Mahendra Singh, R/o Vill.- Gajipur, P.S.- Desari,
District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Akbar Ali, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 28-08-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is languishing in custody for the offences punishable under Sections 304B/120B/34 of the Indian Penal Code.

Petitioner is husband of victim Rinku Kumari, the daughter of the informant. The FIR would reveal two fold allegations, one is demand of dowry and torture for the same and another is that the petitioner was carrying illicit relation with his Bhabhi Baby Kumari, which was not liked by Rinku Kumari. Rinku Kumari was assaulted by petitioner and by the husband of Baby Kumari as well as Baby Kumari. The husband of Rinku Kumari alleged false allegation against his wife.



Submission of the learned counsel for the petitioner is that there is no eyewitness of the occurrence. The victim might have committed suicide after quarreling in the family and false allegation is there. It is highly unbelievable that even the husband of Baby Kumari would be party to the occurrence knowing well that the wife has relation with the petitioner. Petitioner is in custody since 28.03.2018.

Submission is that the case-diary would reveal that none of the witnesses of village Bishunpur, the village of the informant, or of village Gajipur, the village of the petitioner, were examined by the police to substantiate the allegation of demand of dowry and torture for the same or allegation of any illicit relationship. Investigation has been closed against the petitioner after examining witness of village Ufraul, which has no connection with the occurrence.

Learned counsel for the informant opposed the prayer for bail.

Considering the fact that at present there is no substantial material against the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is



pending in connection with Desari P.S. Case No.211 of 2017, with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

Call for a report from the Superintendent of Police, Vaishali, regarding reason for the casual investigation of a case of dowry death vide Desari P.S. Case No.211 of 2017 wherein the Investigating Officer did not bother to examine any witness of the village of occurrence of death or of the village of demand of dowry. The report must come within four weeks. Place the report in the administrative side.

Let it be communicated to the Director General of Police, Bihar, Patna.

(Birendra Kumar, J)

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