

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1363 of 2018

Arising Out of PS.Case No. -450 Year- 2017 Thana -ARA NAWADA District- BHOJPUR

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1. Abhishek Kumar @ Abhishek Sah, Son of Ashok Kumar @ Ashok Prasad Sah, Resident of Mohalla- Hari Jee Ka Haata, P.S.- Ara Nawada, Arrah, Dist- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amitabh Sohan, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar -2, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 14-03-2018 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 Section 304B/34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

Daughter of the informant was married with the petitioner in December, 2015. After three months of marriage, the petitioner had gone to the house of the informant and had asked for rupees ten lacs to start business. The victim died in unnatural circumstances in hospital on 13.10.2017.

Submission of the learned counsel for the petitioner is that the nature of demand does not come within the mischief of dowry demand. Moreover, there is no averment of



demand and torture soon before death. The victim was herself a teacher in the private school in her parents' village and she wanted to stay there. That was the reason for dispute between the husband and wife and for that reason she committed suicide having a child of one year.

Learned counsel for the informant opposed the prayer for bail. However, could not substantiate from the material in the case-diary that there is any witness of the occurrence of death or there is any witness on demand of dowry and torture soon before her death.

Considering the aforesaid fact, 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 Ara Nawada P.S. Case No.450 of 2017, with condition that 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.

(Birendra Kumar, J)

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