

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4209 of 2019

Arising Out of PS. Case No.-34 Year-2018 Thana- AKBARNAGAR District- Bhagalpur

Dharamveer Rajak @ Dharamveer Bhashkar, aged about 34 years (Male), Son of Late Maheshwar Rajak, Resident of Village- English Chichroun, P.S.- Akbarnagar, District-Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha

For the Opposite Party/s : Mr.Aditya Narayan Singh.1

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-01-2019 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner, being the husband of the informant, is languishing in custody since 24.09.2018 in a case initially registered for the offences punishable under Sections 498A, 307/34 of the Indian Penal Code, but subsequently after death of the informant Section 304B of the IPC was added.

The prosecution case as per the fardbeyan of Rajni Kumari recorded by S.I. Basuki Nath Yadav of Barari Police Station on 31.03.2018 at 11.00 A.M. is to the effect that the informant was married with the petitioner, Dharamveer Rajak about four years prior to the of the case. Subsequently, the informant was blessed with with a son, though, the family



members including the petitioner used to torture the informant. On 28.03.2018 the informant talked with her husband when her husband forbed for not talking on the mobile and after coming home her husband assaulted her, thereafter, the informant got her treated in private hospital at Nathnagar and after returning the informant complained to her husband about the behaviour of the in-laws people when the mother-in-law and sister-in-law (Gotni) administered her Acid used for cleaning bathroom, as a result, she got unknown then the neighbouring people informed the parents' family and when they came they taken the informant to Bhagalpur for treatment.

It is submitted by learned counsel for the petitioner that, though, the accusation has been levelled for hot exchange between the petitioner and the informant but the petitioner was not made accused in the FIR, but since the victim died on 16.04.2018 then Section 304B IPC was also and the petitioner was made accused. It is further submitted that mother-in-law and sister-in-law (Gotni), against whom there is specific allegation, have been granted anticipatory bail vide order dated 25.07.2018 and 25.09.2018 passed in Cr. Misc. Nos. 45184 of 2018 and 49015 of 2018 respectively by a co-ordinate Bench of this Court. It is further submitted that the investigation has



already been concluded. During postmortem no external injury has been found on the person of the informant and the informant was treated at Bhagalpur and Sri Ram Hospital, Patna. A statement has been made in paragraph 3 of the petitioner that the petitioner is not having any criminal antecedent.

Learned APP submits that the submits that the petitioner is the husband of the victim-informant and the victim has died after 15 days of the occurrence.

Considering the fact that the FIR suggests the thrust of accusation against the mother-in-law and sister-in-law and both of them have been granted anticipatory bail by a co-ordinate Bench of this Court coupled with the fact that the investigation has already been concluded, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.VI, Bhagalpur in connection with Akbarngar P.S. Case No. 34 of 2018.

(Dinesh Kumar Singh, J)

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