

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3775 of 2019

Arising Out of PS. Case No.-64 Year-2018 Thana- MUSRIGHRARI District- Samastipur

Pintu Kumar, son of Pavan Kumar Lal @ Pawan Prasad, aged about 35 years,
Male, resident of Village- Mubarakpur, P.S- Musrigharari, District Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh

For the Opposite Party/s : Mr. Ganesh Prasad Singh

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

3 29-03-2019 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 304-B, 201/34 of the Indian
Penal Code.

Petitioner happens to be husband of the deceased and
it is also an admitted position that deceased had solemnized her
marriage with petitioner against the will of informant as well as
other family members. Furthermore, the informant as well as his
other family members had admitted in course of investigation
that after solemnization of marriage deceased had gone to their



house only once and after that she never visited the house of the informant.

Learned counsel appearing for the petitioner submits that own SADHU (brother in law) of the petitioner gave his statement before the investigating officer which is evident from perusal of para 84 of the case diary and in his statement, the SADHU (brother in law) of the petitioner admitted that at the time of death, the deceased was mother of two children who were aged about seven and six years respectively and, therefore, the aforesaid fact goes to show that the marriage of deceased had taken place much before seven years from her death and, therefore, no case under Section 304-B of the I.P.C. is made out. He further submitted that informant disclosed his age as ninety years and also disclosed his year of birth as 1928 and, therefore, the aforesaid fact also fortifies that marriage of deceased had taken place before seven years of her death.

Considering the aforesaid facts and circumstances as well as submissions of the parties and also taking note of this fact that investigation against the petitioner has already been completed, 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



learned Judicial Magistrate, 1st Class, Samastipur in connection
with Musrigharari P.S. Case No. 64 of 2018.

(Hemant Kumar Srivastava, J)

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