

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8325 of 2019

Arising Out of PS. Case No.-293 Year-2017 Thana- SIRDALA District- Nawada

JIVLAL SINGH son of Chandar Singh Resident of village-Pararia, Tola Pipra
Tand, P.S. Sirdala, District-Nawada

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Devendra Prasad Singh
For the Opposite Party/s : Mr.Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-02-2019 Heard learned counsels for the parties.

The petitioner being the husband of the victim is languishing in custody since 14.7.2018 in a case registered for the offences punishable under Sections 304B and 201/34 of the I.P.C.

The prosecution case as per the written report of Nehal Singh submitted to the SHO, Sirdala Police Station is to the effect that the daughter of the informant was married with the petitioner in 2008, thereafter, she was blessed with a son and a daughter but subsequent to the marriage, the victim was subjected to torture due to non-fulfillment of further dowry demand of a motorcycle and Rupees One Lac cash. On 17.11.2017 the informant received an information that his daughter has died due to



burn injury, thereafter the informant reached the in-law's house of his daughter and came to know that she has been killed after being subjected to burn injury by all the in-law family members including the petitioner.

It is submitted by learned counsel for the petitioner that admittedly, the marriage was performed in 2008 whereas the daughter of the informant died in 2017, hence, the case does not come within the purview of Section 304B of the IPC. It is further submitted that there is no eye witness to the occurrence and the investigation has already been concluded. It is also submitted that the informant has retracted from the initial version and has filed a petition to that effect before the learned Court below.

Learned APP submits that there is specific accusation against the petitioner.

Considering the fact that the victim died after about nine years of marriage, there is no eye witness to the occurrence, the investigation has already been concluded and the period under custody, let the petitioner above named 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 the learned ACJM V,
Nawada in connection with Sirdala P.S. Case No.293 of
2018.

(Dinesh Kumar Singh, J)

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