

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.17332 of 2019

Arising Out of PS. Case No.-131 Year-2013 Thana- KUDHNI District- Muzaffarpur

UDAY JHA Son of Lal Babu Jha Resident of Village - Rajala, P.S.- Kurhani,
Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Neeraj Kumar Alias Sanidh

For the Opposite Party/s : Mr.Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 28-03-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 27.12.2018 in a case registered for the offences punishable under Sections 364/34 of the I.P.C. and Sections 3 and 4 of Dowry Prohibition Act.

The prosecution case as per the written report of Harishchandra Jha submitted to the SHO, Fakuli O.P., Kudhani Police Station is to the effect that the informant's daughter was married to the petitioner in the year 2013 but subsequent to the marriage, there was further dowry demand of a motorcycle, a gold chain, a gold ring and due to non-fulfillment of the same, life threat was given to the daughter of the informant. It is alleged that on 19.5.2018 at 11.30 A.M. the petitioner informed



the informant that his daughter is missing. Thereafter, the informant inquired and found that his daughter has been killed. Subsequently, it is alleged that the daughter of the informant appeared and got her 164 Cr.P.C. statement recorded on 19.11.2013 where she stated that she was taken to Barauni on a motorcycle on 18.5.2013 and attempt was made to kill her but somehow she could escape from there and in the next morning, she went to Guwahati and started working in a beauty parlour, thereafter on 16.11.2018 the daughter of the informant returned and got her statement recorded under Section 164 Cr.P.C.

It is submitted by learned counsel for the petitioner that the conduct of the informant's daughter is reflected from the fact that attempt on her life was made on 18.5.2013 but without lodging any case, she went to Guwahati and started working in a beauty parlour and after six months, she got her statement under Section 164 Cr.P.C. recorded. It is further submitted that the statement of the informant's daughter under Section 164 Cr.P.C. demolishes the accusation of kidnapping as levelled by the informant in the FIR.

Learned APP submits that the thrust of accusation is against the petitioner.

Considering the fact that the statement of the victim



under Section 164 Cr.P.C. completely demolishes the accusation of kidnapping and the delayed accusation levelled by the victim in her 164 Cr.P.C. statement, statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent coupled with the period in 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 SDJM, West Muzaffarpur in connection with Kudhani P.S. Case No.131 of 2013.

(Dinesh Kumar Singh, J)

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