

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73259 of 2018

Arising Out of PS. Case No.-65 Year-2017 Thana- MAHILA P.S. District- Madhepura

Shrawan Kumar Singh @ Rahul @ Rahul Singh, S/o Shiv Kumar Singh
Resident of Village-Saropatty,P.S. Singheshwar,Distt.-Madhepura

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr. Ashok Kumar Singh 1

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 04-02-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Madhepura (Mahila) P.S. Case no. 65 of 2017, registered under Sections 498(A), 307, 341 and 323/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The accusation is that marriage of Mona Singh, daughter of the informant, was solemnized in the year 2016 with the petitioner, who used to reside at his maternal uncle's house in village Saropatty, P.S. Singheshwar, District-Madhepura. After the marriage, she was taken in Bidai by the petitioner, but she was being tortured for motorcycle and cash of Rs. Two lakhs. On 30.06.2018, he received information on his mobile to the effect that due to non-fulfillment of



demand of dowry, his daughter has been brutally assaulted and she was being attempted to kill by pressing her neck. Thereafter, informant went to village Saropatty and found his daughter in unconscious condition. Thereafter, she was rushed for Medi Zone Hospital, Kankarbagh, Patna, where her treatment was going on.

Learned counsel for the petitioner submits that, admittedly, the petitioner is the husband of the deceased, daughter of the informant. Further submission is that, in fact, all of sudden deceased became unconscious, thereafter, she was rushed to the hospital and information was also given to the informant, who had come in the hospital on 30.06.2017 and he was present there and later on, left the hospital, but with ulterior motive after two weeks lodged the present case. The deceased, daughter of informant, died after lodging of the present case in course of treatment. Further submission is that it would appear from the F.I.R. that after death of daughter of informant, the Police added Section 304(B) of the Indian Penal Code. It would appear from paragraph 49 of case diary that in spite of sending notice on several times by the investigating agency, the informant did not turn up before the I.O. for his statement. Further submission is that while it



is alleged in the F.I.R. that deceased was brutally assaulted, but in Postmortem report, not a single injury was found over the dead body.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the S.D.J.M. Madhepura in connection with Madhepura (Mahila) P.S. Case No. 65 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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