

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25861 of 2019

Arising Out of PS. Case No.-114 Year-2018 Thana- HATHAURI District- Samastipur

MANOJ KUMAR(Age-29, Gender-Male), Son of Suresh Mandal, Resident of Village- Ramul, Shivaji Nagar, Hathauri, Police Station- Hathauri, District- Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabindra Kumar Priyadarshi
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 22-04-2019 The learned counsel for the petitioner is permitted to make correction in the Section of the offences committed by the petitioner.

Heard both sides.

The petitioner apprehends his arrest in Hathauri(Shivaji Nagar) P.S. Case No.114 of 2018 registered under Sections 304(B) and 120(B) of the Indian Penal Code.

The informant filed Complaint Case No.346 of 2018 on the basis of which the present F.I.R. was lodged. The informant made allegation in the complaint petition that he solemnised the marriage of his daughter with the petitioner two years ago but her husband(the petitioner) and other family members were subjecting his daughter to torture due to non-



fulfillment of demand of dowry. On 10/11.05.2018, the accused persons killed his daughter and took the dead body of his daughter for cremation but the police taken the dead body and got post-mortem done of the dead body of the daughter of the informant.

The learned counsel for the petitioner submits that prior to filing of this complaint petition by the father of the deceased, mother of the deceased made her statement on 11.05.2018 on the basis of which U.D. Case No.1 of 2018 was registered. The mother of the deceased disclosed that due to mistake, her daughter consumed pesticides instead of medicine and died while she was being taken to hospital. It is further submitted that mother of the deceased never complained of any ill treatment or demand of dowry at the hands of the petitioner or any family members of the petitioner but after many months from the date of occurrence, the father of the deceased filed complaint which was sent to police station for registration and investigation.

Taking into consideration the facts that mother of the deceased made her statement on 11.05.2018 itself that she come to the house of her daughter after having received the information about the illness of her daughter and found that her



daughter consumed pesticides instead of medicine and died while she was being taken to hospital on which U.D. case was registered but later on, father of the deceased made this case making a different story of death of his daughter, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Samastipur in connection with Hathauri(Shivaji Nagar) P.S. Case No.114 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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