

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75745 of 2018

Arising Out of PS. Case No.-144 Year-2018 Thana- HISUWA District- Nawada

Rajiv Singh, Son of Upendra Singh, Resident of Village- Orro, P.S. Hisua,
District- Nawada.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hansraj, Adv.

For the Opposite Party/s : Mr.Shailendra Kumar -2, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 24-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner, being the husband of the victim, is languishing in custody since 25.05.2018 in a case registered for the offence punishable under Sections 302,201 and 120B of the Indian Penal Code.

The prosecution case got initiated on the basis of written report of Manoj Kumar submitted to the Station House Officer, Hisua Police Station is to the effect the informant's sister, namely Pinki Devi's marriage was performed with the petitioner in April, 2008. Thereafter, the accused persons used to torture the daughter of the informant for non-fulfillment of dowry demand of a motorcycle and a color TV. Subsequently, the daughter of the informant was blessed with two male children out of the wedlock. It is further alleged that on



21.05.2018, the informant received information through one person of the Village -Oro that her sister has been killed about one and half month ago. After having received such information, when the informant reached to the in-laws house of her sister, he did not found her sister there.

It is submitted by learned counsel for the petitioner that admittedly as per the FIR, the informant is not an eye witness to the occurrence. There is no direct evidence collected during investigation and the informant died due to cardiac arrest. Moreover, the accusation of demand of dowry after ten years of marriage appears to be unreasonable and unbelievable. In fact, the informant was informed by the petitioner about the death of her daughter and the informant also participated in the last rite of the victim. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State after going through the case diary, submits that the sister of the informant was killed by the accused persons, including the petitioner and victim's dead body was disposed of by them. Moreover, the petitioner is the husband of the victim and the thrust of accusation is against him.



Considering the fact that for the occurrence of 21.05.2018, the FIR was registered on 23.05.2018 and there is no directed evidence collected during investigation, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner 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 learned CJM, Nawada in connection with Hisua P.S. Case No. 144 of 2018.

(Dinesh Kumar Singh, J)

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