

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62440 of 2019**

Arising Out of PS. Case No.-53 Year-2018 Thana- UPHARA District- Aurangabad

Rajesh Kumar Sao, Son of Lalit Narayan Sao @ Lallu Sao, Resident of
Village - Teyap, P.S.- Uphara, Dist.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh
For the Opposite Party/s : Mr. Md. Mushtaque Alam

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 23-10-2019 Heard learned counsels for the petitioner and the State.

The petitioner, being the husband of the victim is languishing in custody since 07.01.2019 in a case registered for the offences punishable under Sections 304B and 201/34 of the IPC.

The prosecution case, as per the written report of Kailash Sao, dated 08.12.2018, submitted to the Station House Officer, Uphara Police Station, is to the effect that the informant's daughter, Anita Devi was married with the petitioner, Rajesh Kumar Sao, eight years prior to the lodging of the present case. Subsequent to the marriage, further dowry of a motorcycle and Rs. 2 lacs was made and due to non-fulfillment of the same, the daughter of the informant was being tortured by all the accused persons including the petitioner. Ultimately, the daughter of the



informant was killed.

It is submitted by learned counsel for the petitioner that admittedly, the marriage was performed eight years prior to the lodging of the FIR, the case does not come within the purview of Section 304B of the IPC. Admittedly, the informant is not the eye-witness to the occurrence. It is further submitted that the impugned order, which has been passed after going through the case diary, does not suggest that there is any eye-witness to the occurrence. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the thrust of accusation is against the petitioner and he is named in the FIR.

Considering the fact that as per own admission of the informant, the marriage was performed eight years prior to the occurrence, the offences does not come within the purview of Section 304B of the IPC and impugned order does not suggest that any direct evidence has been collected against the petitioner, coupled with the 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 bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned



Additional District Judge-VI, Aurangabad in connection with
Uphara P.S. Case No. 53 of 2018, S. Tr. No. 161 of 2019/11 of
2019.

(Dinesh Kumar Singh, J)

Amrendra/-

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