

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70084 of 2018

Arising Out of PS. Case No.-19 Year-2018 Thana- MALI District- Aurangabad

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Srikant Pandey @ Sri Kant Pandey, S/o Awadhesh Pandey, R/o Village
Dhamni, P.S. Mali, District-Aurangabad.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh

For the Opposite Party/s : Mr. Arbind Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 23-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 30.06.2018 in a case registered for the offence punishable under Sections 304(B), 201 and 120B of the Indian Penal Code.

The prosecution case as per the written report of Om Prakash Sharma submitted to SHO, Mali Police Station is to the effect that the sister of the informant was married with the petitioner in the year 2008. Subsequent to the marriage, they were blessed with three children. It is further alleged that after the petitioner left his job, a demand of Rs.2,00,000/- was made



for the purpose of starting a business. On 29.04.2018, the informant received the information about the death of her sister on phone.

It is submitted by learned counsel for the petitioner that for the occurrence of 29.04.2018, the FIR was registered on 30.04.2018. It is further submitted that the marriage of sister of the informant was performed in the year 2008, hence the offence does not come under the purview of Section 304B of the I.P.C., in fact, the victim was suffering from Diarrohea and she died in the hospital in course of treatment. Moreover after 10 years of marriage, further dowry demand of Rs.2,00,000/- appears to be unreasonable and unbelievable. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP after going through the case diary submits that sister of the informant was killed and the dead body has been disposed of.

Considering the fact that the case does not come within the purview of Section 304B and the accusation of demand of Rs.2,00,000/- for business purpose cannot be treated as a dowry demand, 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, Aurangabad** in connection with **Mali P.S. Case No. 19 of 2018.**

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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