

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73817 of 2018

Arising Out of PS. Case No.-139 Year-2018 Thana- HARNAUT District- Nalanda

Sanjeev Kumar, Son of Ram Saran Mahto, Resident of Village- Soradih
Surhari, P.S.-Harnaut Telmar, District-Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Adv. Mr. Jharkhandi Upadhyay, Adv.
For the Opposite Party/s	:	Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 28-02-2019 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 17.05.2018 in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

The prosecution case got initiated on the Fardbeyan of Kailash Mahto, recorded by S.I. Surya Bhushan Prasad, SHO, Teimar Police Station, Nalanda on 16.05.2018 at 5.30 A.M. to the effect that the daughter of the informant, namely Soni Devi was married with the petitioner, namely Sanjeev Kumar about five years prior to lodging of the present case. Subsequently, the petitioner established physical relationship



with his brother's wife, namely Pallavi Devi which was being protested by the daughter of the informant, though the victim was blessed with two children out of the wedlock. On 14.05.2018 at 9.00 P.M., the informant came to know that his daughter has been throttled to death.

It is submitted by learned counsel for the petitioner that as per the own admission of the informant, he came to know about the death of the victim on 14.05.2018, at 9.00 P.M. when the FIR was registered on 16.05.2018 at 11.00 A.M. It is further submitted that admittedly the informant is not an eye witness to the occurrence and during investigation also no eye witness account to the alleged occurrence has been recorded. The prosecution case has been registered under Section 302 of I.P.C., but there is no accusation of demand of dowry though the death has taken place within seven years of marriage. It is further submitted that the victim was given medical assistance which gets reflected from the postmortem report as well as the material collected during investigation. 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 cause of death reflected in the



postmortem report suggests that the death has been caused due to asphyxia caused by strangulation, the ligature mark is also not complete all around the neck of the body of the victim which suggests that she has been strangled. However, he further admits that still the charges has not been framed.

Considering the delayed lodging of the case and the investigation already being concluded, 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 3rd Additional Sessions Judge, Bihar Sharif, Nalanda in connection with S. Tr. No.530 of 2018, arising out of Harnaut (Telmar) P.S. Case No. 139 of 2018.

However, the learned Court below would be at liberty to cancel the bail bonds of the petitioner, if he defaults for three consecutive occasions.

(Dinesh Kumar Singh, J)

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