

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81189 of 2019

Arising Out of PS. Case No.-33 Year-2018 Thana- SAHARGHAT District- Madhubani

BHOLA DAS Son of Vashishth Das Resident of Village- Saharghat, 37, Ward No.5, Das Tola, Police Station- Saharghat, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-12-2019 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 21.07.2018 in a case registered for the offences punishable under Sections 302, 201, 120B of the Indian Penal Code.

Initially U.D. Case No.2 of 2017 was registered on the basis of fardbeyan of the mother of the victim, Lalita Devi to the effect that her daughter, Pinki Devi, who was mentally abraised, was married with the petitioner, but on 10.02.2017, she locked the room from inside, put herself on fire and ultimately succumbed to the injuries. Subsequently, postmortem report of the victim reflected that she died due to throttling or strangulation, thereafter, on 09.03.2018, Saharghat P.S. Case No. 33 of 2018 was registered on the basis of self statement of Prem Lal Das, SHO, Saharghat



Police Station, Gaya, against unknown, levelling accusation under Sections 302, 201 and 120B of the I.P.C.

It is submitted by learned counsel for the petitioner that there is no accusation either in the U.D. case or in the FIR that there was any demand of dowry by the petitioner. During trial, the grand-mother of victim has been examined as PW-1, but she has not supported the prosecution case and hence, declared hostile. 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 submits that the petitioner being the husband of the victim was chargesheeted under Sections 302, 304B, 120B and 34 of the I.P.C. and Sections 3/4 of the Dowry Prohibition Act.

Considering the fact that the accusation of demand of dowry against the petitioner has neither been levelled in the UD case nor in the FIR, moreover, the FIR was registered more than a year after the lodging of the U.D. case, 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 ADJ,



Madhubani, in connection with ST. No. 407 of 2018, arising out of Saharghat P.S. Case No. 33 of 2018.

However, the learned court below will be at liberty to cancel the bail bonds of the petitioner, if he defaults for two consecutive occasions.

(Dinesh Kumar Singh, J)

Ashwini/-

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