

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4946 of 2019

Arising Out of PS. Case No.-419 Year-2018 Thana- RAJAON District- Banka

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Prafula Harijan @ Prafulla Harijan, Son of Prasadi Harijan @ Prasadi Das,
Resident of Village-Tilakpur, P.S.- Rajoun, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : Mr. Mithlesh Kumar Khare

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-01-2019 Heard learned counsels for the petitioner and the

State.

The petitioner is languishing in custody since 06.10.2018
in a case registered for the offences punishable under Sections
302, 120(B) and 34 of the IPC.

The prosecution case, as per the fardbeyan of Dinesh
Harijan, recorded by S.I., Birendra Kumar, Rajoun P.S. dated
06.10.2018 is to the effect that the informant's second daughter,
Pinki Devi was married with the petitioner Prafulla Harijan
about 13 years prior to lodging of the present case. In the year
2017, the father of the petitioner, Prasadi Harijan established



physical relationship with the daughter of the informant. As a result, the daughter of the informant came to her parents house and remains there for six months, but thereafter the petitioner and his father tried to reconcile the issue and took the daughter of the informant to her in-law's house. On 03.10.2018, when the informant went to in-law house of his daughter, he found that his daughter was well, but subsequently, on 05.10.2018 he received an information that his daughter was killed. Thereafter, the informant reached the in-law house of his daughter where he found that his daughter lying dead in the court yard and also found ligature mark on her neck. It is further alleged that there was demand of further dowry made by the petitioner and other in-law family members and due to non-fulfillment of the same they killed the daughter of the informant.

It is submitted by learned counsel for the petitioner that admittedly the death took place after 13 years of marriage and there is no eye witness of the alleged occurrence. It is further submitted that demand of dowry after 13 years of marriage appears to be absolutely unreasonable. Moreover, no injury has been found person of the victim during postmortem and doctor was failed to assert the cause of death, hence viscera report has been kept reserved. 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 daughter of the informant has been killed due to non-fulfillment of further dowry demand and the accusation is specific against the petitioner.

Considering the fact that the accusation not being corroborated with the medical opinion and suspicious nature of accusation, 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 **C.J.M., Banka** in connection with **Rajoun P.S. Case No.419 of 2018.**

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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