

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10323 of 2020

Arising Out of PS. Case No.-32 Year-2018 Thana- KOTHIGRAM District- Gaya

ANUP PASWAN @ ANUP KUMAR Son of Shivnandan Paswan Resident of
Village - Bengadohar, P.S. - Kothi, District - Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh

For the Opposite Party/s : Mr.Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 28-02-2020

Heard learned counsel for the parties.

This application for grant of regular bail arises out of Kothi P.S. Case No.32 of 2018 for the offence under Sections 498(A), 304(B), 201 and 120(B)/34 of the Indian Penal Code.

It is alleged in the complaint petition, which is the basis for registration of the First Information Report, that the deceased was married to the petitioner on 29.05.2011. It is further alleged that the informant had gone to attend a wedding function of the petitioner's brother on 21.06.2018. The deceased, who was the informant's daughter, was not found in the said function. When the informant enquired about her and since he could not get any satisfactory reply, he presumed that she must have been killed for non-fulfillment of demands of dowry, which were being consistently made by the accused persons, including the petitioner.



Learned counsel appearing on behalf of the petitioner appears to be correct in his submission that the date of occurrence, as disclosed in the complaint petition, does not essentially constitute an offence punishable under Section 304(B) of the Indian Penal Code inasmuch as there is no allegation that the deceased died in unnatural circumstances within seven years of her marriage. He has further submitted that the deceased had, as a matter of fact, died of diarrhoea, which fact was duly intimated to her father and other family members. According to him, the criminal case has been lodged for ulterior gains.

Considering the facts and circumstances, this application is allowed.

Let the petitioner, above named, 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 the learned S.D.J.M., Sherghati (Gaya), in Kothi P.S. Case No. 32 of 2018.

(Chakradhari Sharan Singh, J)

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