

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6435 of 2021

Arising Out of PS. Case No.-420 Year-2020 Thana- ARARIA District- Araria

AMIT KUMAR JHA, aged approx 30 years, Male, S/o Shri Chandra Kant Jha, R/o village- Om Nagar, Ward No.- 08, P.S.- Araria, District- Araria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Udbhav, Advocate.
For the Opposite Party : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 06-09-2021 Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioner and learned counsel for the State through virtual mode.

The petitioner is apprehending his arrest in connection with Araria P.S. Case No. 420 of 2020 for the offence registered under Sections 304(B)/34 of the I.P.C.

The prosecution story, in brief, is that the daughter of the informant, namely, Kalyani Devi, was married four years ago with Amit Kumar Jha (petitioner). After the marriage, the informant's daughter was harassed by the accused persons for non-fulfilment of Rs. 5,00,000/- as dowry. On 03.06.2020 at 6.00 A.M., all F.I.R. named accused persons killed the informant's daughter by hanging her due to non-fulfilment of



demand of dowry.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has been made accused in the present case due to mistake of fact. From perusal of paragraph no. 43 of the case diary, it appears that the deceased is said to have committed suicide and further from perusal of paragraph nos. 8 and 9 of the supplementary case diary, it is evident that the independent witnesses have stated that the deceased is said to have committed suicide. Hence, in the said circumstances, no offence under Section 304 (B) of the I.P.C. is made out.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of the learned Chief Judicial Magistrate, Araria, in connection with Araria P.S. Case No. 420 of 2020, subject to the conditions as laid down under Section



438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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