

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50476 of 2021

Arising Out of PS. Case No.-94 Year-2020 Thana- KARTAHA District- Vaishali

ISHA NAND PANDEY Son of Parmanand Pandey Resident of Village-
Ghataro, P.S.- Kartaha, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Vaishnavi Singh
For the Opposite Party/s : Mr.Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 08-08-2022 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Kartaha P.S.
Case No. 94 of 2020, registered for the offences punishable
under Sections 302, 201, 120B, 34 of the Indian Penal Code.

As per the FIR, Informant Raushan Kumar solemnized inter caste marriage with Kiran Kumari. Due to inter caste marriage family members of informant's wife were not happy. After few days of marriage, wife was taken away by her family members at her Naihar. After two days i.e. on 16.12.2020 informant received information that his wife is being pressurized to remarry another boy of her own caste and she is missing from her Naihar since 2-3 days and he further raised suspicion that either his wife has been remarried or has been killed.



It is submitted on behalf of the petitioner that petitioner is uncle of the deceased Kiran Kumari. As per the FIR, alleged incident took place prior to 05.09.2020 and the written report was lodged on 19.12.2020 without any explanation. Even as per the FIR informant is not eye-witness to the occurrence. As a matter of fact, the so-called marriage did not continue for long due to bad behaviour of the informant and both separated much earlier and the deceased (Kiran Kumari) started residing at her house. It is further alleged that in the months of December she suffered cold attack and started loose motion and vomiting. Thereafter, she was admitted in Sarvmangal Clinic at Lalganj and the doctor referred her to PMCH for better treatment, but on the way to hospital she died. None of the witnesses examined during course of investigation has supported the prosecution and without there being any substance or evidence simply because petitioner is uncle of the deceased he cannot be held guilty. Petitioner has got clean antecedent.

Considering the facts aforesaid, the petitioner abovenamed, in the event of his arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be enlarged 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 Additional Chief Judicial Magistrate XV, Vaishali at Hajipur in connection with Kartaha P.S. Case No. 94 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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