

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.3222 of 2009
PRADEEP KUMAR BISWAS
Versus
STATE OF BIHAR

3 28.5.2009 Heard learned counsel for the petitioner and the learned
counsel for the State.

The petitioner is the husband in custody in a police case
under Sections 304B/34 of the Indian Penal Code.

It is submitted that the FIR conceals the fact that the
marriage was solemnized approximately 15 years ago. In that event
the onus will shift on the prosecution to prove the charge and Section
304B IPC has no application. Prior to the present allegations the
informant had himself lodged a U.D. case with regard to the death of
his niece stating that she had committed suicide.

The reasoning of the Court below in paragraph 4 of the
impugned order of rejection is completely incomprehensible to this
Court and this Court is unable to appreciate or decipher the same.

In the facts and circumstances of the case, let the petitioner
above named, be enlarged on bail on furnishing bail bonds of
Rs.10,000/- (ten thousand) with two sureties of the like amount each to
the satisfaction of the Additional Sessions Judge, (FTC No.7), Purnea
in Amour P.S. case No. 28 of 2005 (S.T. No. 1246 of 2008).

(Navin Sinha, J.)

A.Kumar