

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S). 4-5/2020
(ARISING FROM SLP(CRL) NOS. 929-930/2016)

GYANDEO PRASAD SINGH

APPELLANT(S)

VERSUS

THE STATE OF BIHAR AND ANR. ETC.

RESPONDENT(S)

O R D E R

1. Heard learned counsel for the parties.
2. Leave granted.
3. The charge-sheet has been filed before the Trial Court. The Trial Court has taken cognizance under Section 304-B of the Indian Penal Code. The death has taken place within three years. A reading of the FIR and statement of the father and the family members of the girl implicates the husband and another accused. It was not the stage to disbelieve their version by the High Court, as has been done in the impugned order, and to give a clean chit to accused persons while allowing the discharge application, which was rightly rejected by the Chief Judicial Magistrate.
4. Thus, in the facts and circumstances, we set aside the impugned order passed by the High Court and restore that of the Chief Judicial Magistrate. The appeals are, accordingly, allowed.
5. We make it clear that we have not commented on the merits of the case.

6. Pending application(s), if any, shall stands disposed of.

.....J.
[ARUN MISHRA]

.....J.
[INDIRA BANERJEE]

NEW DELHI;
JANUARY 06, 2020.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Cr1.) No(s).929-930/2016

(Arising out of impugned final judgment and order dated 20-08-2015 in CRM No. 47176/2014 20-08-2015 in CRM No. 47098/2014 passed by the High Court of Judicature at Patna)

GYANDEO PRASAD SINGH

PETITIONER(S)

VERSUS

THE STATE OF BIHAR AND ANR. ETC.

RESPONDENT(S)

(IA No. 1956/2016 - EXEMPTION FROM FILING O.T.)

Date : 06-01-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MS. JUSTICE INDIRA BANERJEE

For Petitioner(s) Mr. Neeraj Shekhar, AOR
Mr. Sumit Kumar, Adv.
Mr. Ashutosh Thakur, Adv.
Mr. Animesh Kumar, Adv.

For Respondent(s) Mr. Devashish Bharuka, AOR
Mr. Ravi Bharuka, Adv.
Ms. Sarvshree, Adv.
Mr. Justine George, Adv.

Mr. Shishir Pinaki, AOR
Mr. C.B. Singh, Adv.
Mr. Rajiv Kumar Sinha, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The appeals are allowed in terms of the signed order.

(NARENDRA PRASAD)
COURT MASTER

(JAGDISH CHANDER)
COURT MASTER

(Signed order is placed on the file)