

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19939 of 2016

Arising Out of PS.Case No. -358 Year- 2015 Thana -KHIJARSARAI District- GAYA

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Santosh Chaudhary @ Santosh Kumar, son of Bijay Chaudhary, resident of
Village-Beldari, P.S.-Khizarsarai, District-Gaya

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Baxi S.R.P. Sinha, Sr. Advocate
Mr. Arvind Kumar, Advocate

For the Opposite Party/s : Ms. Sangita Sharma (APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 04-08-2016

Heard Mr. Baxi S.R.P. Sinha, learned Senior
counsel for the petitioner and the learned counsel appearing
on behalf of the State.

The petitioner is apprehending his arrest in
connection with Khizarsarai P.S. Case No.358 of 2015 for
allegedly having committed the offence under Section 302/34
of the Indian Penal Code and Section 3/4 of the Dowry
Prohibition Act, which is pending in the court of learned
Additional Chief Judicial Magistrate (ACJM)- III, Gaya.

Case diary in the present case was called for,
which has since been received.

Learned counsel for the petitioner submits that in
the present case, the victim girl had committed suicide, which
stands testified by the post-mortem report. Learned counsel



further submits that all through during the course of investigation, it has come on record that the informant's family had been duly informed by one of the daughters of the same family, who had been married in the same village. She was the first to reach the place and had found her cousin sister dead. It is further submitted that it has come during the course of investigation that the husband of the lady (petitioner herein) was residing at Gaya where he is employed and not residing in the village. As such, it cannot be said that the petitioner was in any way responsible for the occurrence.

Learned counsel appearing on behalf of the State after perusal of the case diary submits that it has come on record that the lady in question had been married in her childhood and soon thereafter she was being subjected to torture by her husband and his family members. It is further submitted that it has also come on record that the deceased wanted to live and stay with her husband, but was being resisted by her husband and it is only on account of that reason, that there was frequent quarrel between them. It has further come on record that very recently before she was found dead, the victim lady had a fight with her husband. It

has also come in the case diary that there was frequent quarrel between other family members i.e., her in-laws, for meeting her day to day expenses, which was causing herself serious anguish. Several independent witnesses of the village have also supported the story that the victim lady was being subjected to torture by the family members, including the husband, and it was highly improbable that a woman with a small baby in her lap commits suicide.

Considering the entire facts and circumstances and also that not a single witness has come forward to support that it was a case of suicide, rather all the witnesses have supported that the girl was found dead, I am not inclined to grant anticipatory bail to the petitioner. It is, accordingly, rejected.

(Anjana Mishra, J)

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