

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53195 of 2015

Arising Out of PS.Case No. -216 Year- 2015 Thana -SAHPUR District- BHOJPUR

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PAPPU SINGH S/O BHARATH SINGH RESIDENT OF VILL- BIMARI
P.S.- SHAHPUR DIST- BHOJPUR.

.... PETITIONER/S

VERSUS

THE STATE OF BIHAR

.... OPPOSITE PARTY/S

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Appearance:

For the Petitioner/s : Mr. Ajay Kumar Singh, Adv.

For the Opposite Party/s : Mr. Ashok Kr. Singh (App)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 15-02-2016

Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor.

Suman Devi, wife of petitioner Pappu Singh with whom marriage was solemnized in the year 2014 and was mother of a child aged about four months died at her Sasural by consuming poison for which an information was given to the informant whereupon instant case has been registered on the written report of informant, Ritesh Singh brother of deceased. He had further narrated that he has got some sort of apprehension against her Sasuralwala who might have administered poison after inflicting torture. Furthermore, after registering the case, police had inspected the place of occurrence, wherefrom broken sulfas tablet has been recovered for which seizure list has been prepared.

It has been submitted on behalf of petitioner that though there happens to be complete absence of an allegation with regard to demand of dowry in the written report however, police registered case under Section 304(B),34 of the IPC which

was found not at all substantiated during course of investigation whereupon charge sheet has been submitted under Section 306, 34 of the IPC. It has also been submitted that petitioner happens to be under custody since 07.08.2015.

The learned Additional Public Prosecutor opposed the prayer and submitted that be it a case under Section 304B or 302 or 306 IPC that is to be adjudged at the time of framing of charge. For the present, petitioner happens to be husband and admittedly, death of deceased has occurred otherwise than normal circumstance which is found duly substantiated on account of seizure of sulfas from the room.

From perusal of the case diary, it is evident from paragraph 10, place of occurrence it is apparent that deceased had vomited over bed itself. Therefore, petitioner's presence being husband inside the room at the relevant moment speaks otherwise though the conduct of Sasuralwala of deceased has been narrated by the prosecution party under para-11, para-13 as well as paras-31, 32, 33, 34, Naiharwala of deceased, it is apparent that father-in-law of deceased had telephonically informed regarding the misfortune whereupon father of deceased Janardan Singh (para-32) had directed his son, informant to rush whereupon instant case has been registered. Furthermore, from the evidence of local inhabitants recorded under paras-14,15,16,17, it is apparent that on fateful day there was quarrel amongst husband and wife whereupon husband (petitioner) had assaulted and out of frustration deceased committed suicide by consuming poison.

That being so, for the present I do not see it a fit case for grant of bail accordingly, prayer for bail of petitioner is rejected. If the trial is not concluded within six months, then in that event, petitioner will be at liberty to renew his prayer for bail.

(Aditya Kumar Trivedi, J)

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