

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31900 of 2016

Arising Out of PS.Case No. -263 Year- 2016 Thana -KHAGARIA District- KHAGARIA

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1. Dr. Dilip Kumar Gupta aged about 52 years Son of Late Siya Ram Prasad Gupta at Present residing at G.M. Road, Near Khagaria Rly Station P.S. Khagaria
 2. Rajendra Prasad aged about 68 years son of Late Siya Ram Prasad Gupta Both have Permanent resident of village- Bhadas, P.S. Khagaria (Muffasil) District- Khagaria

.... Petitioner/s

Versus

1. The State of Bihar
2. Ritesh Kumar s/o Bhola Prasad r/o Kishori Lal Chowk, Gathiani, p.s+Distt - Madhubani

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bharat Bhushan, Adv.

For the Opposite Party/s : Mr. Nand Kishore Pd, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 22-09-2016 Heard both sides.

The petitioners apprehend their arrest in Khagaria P.S.

Case No. 263/2016, registered for the offences punishable under Sections 341, 323, 302, 120B and 34 of the Indian Penal Code.

Ritesh Kumar brother of the deceased alleged that his brother Deepak Kumar was in love with Deep Shikha the daughter of the petitioner no. 1 Dr. Dilip Kumar Gupta for last four years. Dr. Dilip Kumar Gupta settled the marriage of his daughter in Muzaffarpur and the marriage was to be solemnized on 02.05.2016. Deep Shikha called his brother in Khagaria where his brother stayed in Aman Hotel and the dead body of his brother

was found hanging in the ceiling fan of the room. The informant also alleged that his brother was having mobile no. 8541872331, 9060510119 and 7870210744. Mobile no. of Deep Shikha is 7281047375.

Learned counsel for the petitioners submits that the brother of the deceased suspected that the petitioners might have killed his brother in the hotel room and hanged him in the ceiling fan in order to make out a case of suicide. Petitioners were not willing to marry Deep Shikha with the deceased.

During the investigation it has come that when foul smell was coming out from room no. 305 of Aman Hotel the police was informed. The Investigating Officer found room no. 305 of Aman Hotel locked from inside. The police broke the lock and recovered the dead body. Post-mortem was held and ligature mark on the neck was found. All these facts show that the deceased committed suicide.

On the other hand, learned counsel for the informant and learned A.P.P. opposed the prayer for anticipatory bail of the petitioners.

Learned counsel for the informant filed a counter affidavit annexing the photo-graphs of the deceased and the entire C.D.R. of mobile no. 8541872331. Learned counsel for the informant submitted that from inception of the case the police



want to show that the deceased committed suicide and no proper investigation was made. From C.D.R. of mobile of the deceased bearing no. 7631237816 it appears that even on 21.04.2016 the deceased had talk with on mobile no. 8407029001. The deceased had given the cell-phone bearing no. 8407029001 to Deep Shikha. In the intervening night of 21.04.2016 and 22.04.2016 the deceased had talk with Deep Shikha at about 2.40 a.m. the location of mobile no. 8407029001 is in and around the house of Deep Shikha. The Investigating Officer has also found, as it appears from para 44 and 45 of the case diary that mobile no. 7631237816 stands in the name of Ravi Kumar of Madhubani and mobile no. 8407029001 stands in the name of Deepak Kumar (deceased), son of Bhola Prasad and there is likelihood that since the petitioners father and uncle of Deep Shikha committed murder of the deceased inside the hotel and with the help of Hotel Manager presented a picture that the deceased himself committed suicide. Therefore, the petitioners do not deserve anticipatory bail.

On perusal of the record it appears that brother of the deceased suspected that since his brother was in love with Deep Shikha the petitioners father and uncle of Deep Shikha might have committed murder of Deepak Kumar in the Aman Hotel situated in Khagaria. During the course of investigation, the police found room locked from inside. The police was informed and the

lock was broken out. Thereafter, the dead body was retrieved and sent for post-mortem examination. From Post-mortem report it appears that there was ligature mark all around the body and was in earlier decomposition state. From perusal of C.D.R. it appears that the deceased had talk with Deep Shikha on several times even just before the death of the deceased, but there appears no material to show that the petitioners committed murder of the deceased and save and except suspicion the Investigating Officer did not collect any material.

Considering the facts aforesaid I find that the petitioners deserve anticipatory bail. Accordingly, same is allowed, the petitioners above-named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Khagaria in connection with Khagaria P.S. Case No. 263/2016, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

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