

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30009 of 2016

Arising Out of PS.Case No. -221 Year- 2016 Thana -BUXAR District- BUXAR

Rakesh Roushan @ Rakesh Ranjan son of Chandradip Singh resident of Musafir Ganj, P.S.- Buxar (T), District- Buxar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.30177 of 2016

Arising Out of PS.Case No. -221 Year- 2016 Thana -BUXAR District- BUXAR

Sudamani Devi @ Sudami Devi, Wife of Chandradip Singh, resident of Musaphir Ganj, P.S. Buxar (T), District Buxar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.30350 of 2016

Arising Out of PS.Case No. -221 Year- 2016 Thana -BUXAR District- BUXAR

Rajesh Roushan son of Chandradip Singh resident of Musaphir Ganj,P.S. Buxar(T), District Buxar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.30369 of 2016

Arising Out of PS.Case No. -221 Year- 2016 Thana -BUXAR District- BUXAR

Chandradip Singh Son of Satyanarayan Singh resident of Musaphir Ganj , P.S. Buxar(T),District Buxar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :
(In Cr.Misc. No.30009 of 2016)

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate
For the Opposite Party/s : Sri J. N. Thakur, APP
For the informant : Sri Vijay Kumar, Advocate
Sri Mohit Srivastava, Advocate

(In Cr.Misc. No.30177 of 2016)

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate

For the Opposite Party/s : Sri J. N. Thakur, APP

For the informant : Sri Vijay Kumar, Advocate
Sri Mohit Srivastava, Advocate

(In Cr.Misc. No.30350 of 2016)

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the Opposite Party/s : Sri J. N. Thakur, APP

For the informant : Sri Vijay Kumar, Advocate
Sri Mohit Srivastava, Advocate

(In Cr.Misc. No.30369 of 2016)

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the Opposite Party/s : Sri J. N. Thakur, APP

For the informant : Sri Vijay Kumar, Advocate
Sri Mohit Srivastava, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-07-2016 Heard learned counsels for the petitioners, informant
and the State.

In Criminal Miscellaneous Nos.30009 and 30177 of 2016, the prayer for anticipatory bail has been made on behalf of petitioner Rakesh Roushan @ Rakesh Ranjan, the husband of the victim and Sudamani Devi @ Sudami Devi, mother of the husband of the victim. In Criminal Miscellaneous Nos.30350 of 2016 and Criminal Miscellaneous No.30369 of 2016, the prayer has been made on behalf of the petitioner Rajesh Roushan and Chandradip Singh, being brother and father of the husband of the victim, who are languishing in custody since 03.06.2016, for grant of regular bail. The case has been registered for the offences punishable under sections 341, 323, 498A, 306/34 of the Indian Penal Code.



Prosecution case is that the niece of the informant namely Arti Devi was married with the petitioner Rakesh Roushan on 06.06.2013 but subsequently demand of Scorpio vehicle was made and for non-fulfillment of dowry demand, the victim was tortured and assaulted. The victim was also deprived of the food and kept confined in a room. 2-3 days prior to the occurrence the victim informed her family members that she is being tortured for non-fulfillment of dowry demand of Scorpio vehicle. On 02.06.2016, at 5.30 PM one Ashok Kumar, who was mediator in marriage, informed the informant that the informant's niece is dead. On being received information when the informant reached to place of in-laws house of the victim he found the door was closed inside the room and when the door was broken the victim was found hanging on a fan then the police was informed and thereafter the FIR was registered.

It is submitted by learned counsel for the petitioners that it is admitted fact that the victim committed suicide by closing the door of the room from inside hence no offence under sections 306/34 and 498A of the Indian Penal Code is made out. Neither there is any report nor there was any injury caused to the victim prior to death. Moreover, the accusation is omnibus and general against the entire in-laws family.

It is submitted by learned counsel for the informant that the torture was inflicted to the victim due to non-fulfillment of dowry demand of Scorpio vehicle and the victim informed her parents' family and even after the death petitioners did not inform the victim's family. From the conduct of the petitioner, it appears that they abetted the offence of suicide. This is not in dispute that the victim committed suicide.

Considering the rival submissions of the parties and since the victim committed suicide in the background of torture inflicted for non-fulfillment of demand of dowry, this Court is not inclined to enlarge the husband of the victim namely Rakesh Roushan @ Rakesh Ranjan on anticipatory bail. Hence, his prayer for anticipatory bail in connection with Buxar (T) P.S. Case No.221/2016, pending in the Court of learned CJM, Buxar, is rejected.

So far as petitioner Sudamani Devi @ Sudami Devi, mother of the husband of the victim is concerned since the accusation is omnibus and general against the entire in-laws family, let her be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the

satisfaction of the learned CJM, Buxar, in connection with Buxar (T) P.S. Case No.221/2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

So far as petitioners Rajesh Roushan and Chandradip Singh, who are languishing in custody since 03.06.2016, are concerned, since the accusation is general and omnibus against them and the investigation has already concluded, let them be released 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 learned CJM, Buxar in connection with Buxar (T) P.S. Case No.221/2016.

(Dinesh Kumar Singh, J)

Ashwini/-

U		T	
---	--	---	--