

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51482 of 2018

Arising Out of PS.Case No. -299 Year- 2017 Thana -GAYA MUFASIL District- GAYA

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1. Santosh Singh @ Santosh Kumar, Son of Janardan Singh, Resident of Villlage- Mobarakchak, Police Station- Gaya Muffasil, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate.
Mr. Raghubir Chandrayan, Advocate.

For the Opposite Party/s : Smt. Reena Sinha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 12-10-2018 Heard learned counsel for the petitioner, learned counsel
for the informant and the State.

The petitioner seeks bail in Gaya Muffasil P.S. Case No. 299 of 2017 instituted for the offence under Sections 498A, 302 and 120B/34 of Indian Penal Code pending in the court of learned Chief Judicial Magistrate, Gaya.

In the written report it is alleged that sister of the informant namely, Kiran Devi (since deceased) was married with this petitioner. She gave birth to four daughters. It is further alleged that she was tortured in her *sasural* because she gave birth to four daughters. On 1.5.2017 at about 7:30 p.m. daughter of the petitioner namely, Sonali Kumari, informed the informant that her father has assaulted her mother, on account of which, she became unconscious. On getting information, the informant went to *sasural* of his sister but she was not



found there. Informant discovered that his sister was lying in the house of Pradeep Singh in unconscious condition. She was recovered at the instance of Sonali Kumari. Thereafter, informant took her sister to different Doctors. The informant lodged written report before the police and after assurance from the police, the informant returned back. Police tried to pacify the matter. *Panchayti* was also held and on the basis of compromise, the informant withdrew the case filed by him.

On 22.9.2017 at about 9:00 p.m. petitioner informed to father of the informant that condition of Kiran Devi is serious. After receipt of such information, father of the informant went to *sasural* of Kiran Devi where she told her father that this petitioner on instigation of other accused persons assaulted on her private part. Thereafter, he brought his daughter to A.N.M.M.C.H Gaya in the night of 22.9.2017. The Doctor of A.N.M.M.C.H referred her to PMCH Patna for better treatment due to her critical condition. On 25.9.2017 condition of Kiran Devi become very serious, then she was brought to Ruban Memorial Hospital, Patna, where she died on 26.09.2017.

The informant requested for post mortem of Kiran Devi but petitioner did not agree. Thereafter, petitioner and informant brought the dead body at Vishnupad Cremation place and cremated the dead body. Later on, SSP Gaya directed Muffasil P.S. to institute the case and Muffasil Police instituted the case on 6.10.2017 against the petitioner and others.

Counsel for the petitioner submits that Police after



investigation has submitted charge sheet for the offence under Section 498A of the Indian Penal Code. Thereafter, the Magistrate on the basis of charge sheet submitted by the police took cognizance against the petitioner for the offence under Section 498A of the Indian Penal Code vide order dated 23.08.2018.

In the written report there is specific allegation against the petitioner of committing assault with his wife (since deceased) for which information was given by daughter of deceased to the informant and due to such assault, the sister of informant died subsequently.

Petitioner is husband of deceased.

Therefore, prayer for bail of petitioner stands rejected.

The Trial Court is directed to expedite the trial

Petitioner may renew the prayer for bail after six months if no substantive progress is made in the trial.

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(Sanjay Priya, J)

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