

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39474 of 2018

Arising Out of PS. Case No.-82 Year-2017 Thana- HASPURA

District- Aurangabad

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Sujeet Kumar Mehta @ Sujeet Kumar, S/o Baij Nath Mahto,
Resident of Village- Bala Bigha, P.S.- Haspura, District- Aurangabad
(Bihar).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh, Adv
For the Opposite Party/s : Mr. Sri Manoj Kumar – 1, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 02-11-2018 The petitioner seeks bail in connection with

Sessions Trial No. 450 of 2017, arising out of Haspura P.S.

Case No. 82 of 2017 instituted for the offences under

Sections 304(B), 201, 34 of the Indian Penal Code.

The prayer for bail of the petitioner was earlier
dismissed as withdrawn with the liberty to him to approach
this Court again after reasonable period of time.

The case of the prosecution is that on 28.04.2017,
the informant was told by the petitioner that his daughter is
ill and is being treated at Haspura Hospital. When the



informant along with others visited Haspura Hospital, he came to learn that no such patient with the name of the deceased had ever been admitted there. The informant visited the matrimonial home of the deceased only to find the house of the petitioner locked. From the neighborhood, the informant learnt that the deceased has been done to death on 28.04.2017 only and the dead body has been surreptitiously disposed of. This information was received by the informant only on 28.04.2017 but the F.I.R in question was lodged on 06.05.2017.

The learned counsel for the petitioner has drawn the attention of this Court to the fact that after the death of the deceased in A.N.M.C.H, the petitioner lodged the F.I.R on 28.04.2017 specifically stating that while cooking food, the deceased had caught fire. Every attempt was made by the petitioner and others to extinguish the fire but no avail. Because of the burn suffered by her, she was taken to the hospital when during the course of treatment she died. Immediately after her death, the aforesaid *fardbeyan* statement was lodged by the petitioner. However, instead of



registering it as an F.I.R, the concerned Police Station forwarded the *fardbeyan* to the Haspura Police Station, Aurangabad. The aforesaid *fardbeyan* of the petitioner was received in the Police Station Haspura on 07.05.2017.

From the case diary, it appears that the entire investigation was made before the *fardbeyan* of the petitioner was received and after the receipt of the explanation offered by the petitioner, within few days, charge-sheet has been submitted.

What strikes this Court at this stage is that the deceased had died on 28.04.2017 only. If this information was gathered by the informant after going to the house of the petitioner, where was no occasion for the informant to have waited till 6th of May, 2017 for lodging this case. It appears to be rather surprising that even the postmortem of the deceased was held much prior to the informant lodging the F.I.R that the dead body has been surreptitiously disposed of.

It has come during the course of investigation that the deceased was the second wife of the petitioner and out



of the wedlock, she had delivered a child who is, at present, two years old and there is nobody else except the family members of the petitioner to look after him. The investigation report also is absolutely lacking with respect to the allegation of any demand of money by way of dowry or any ill treatment. However, one of the witnesses has stated that he learnt that the deceased had caught fire and in order to save herself, she ran out from the house. The petitioner also ran behind her and in the process of extinguishing fire, he too received burn injuries for which he has been treated. However, in the same breadth, the aforesaid witness also stated that right from the beginning, the relationship between the petitioner and the deceased was not cordial. Apart from such solitary witness, no other person has come forward to state that the deceased was troubled in her matrimonial home and that the petitioner ever ill treated her.

In the trial, as the report sent by the Court below suggests, three witnesses have been examined but many more are yet to be examined.

The petitioner is in custody since 25.07.2017.



Regard being had to the aforesaid facts as also the period of custody of the petitioner, this Court is inclined to grant bail to him.

The petitioner, above named is directed to be released on bail on his furnishing bail bond of Rs. 10,000/- (ten thousands) with two sureties of the like amount each to the satisfaction of learned Additional District Judge, VII, Aurangabad in connection with Sessions Trial No. 450 of 2017, arising out of Haspura P.S. Case No. 82 of 2017.

However, it is made clear that if the petitioner does not participate in the Trial and absents himself for three consecutive occasions without any proper explanation or seeking permission from the Trial Court, it would be incumbent upon the Court to cancel the bail granted to the petitioner.

With the aforesaid observation and direction, the petition is disposed of.

(Ashutosh Kumar, J)

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