

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.56215 of 2017

Arising Out of PS.Case No. -49 Year- 2017 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN(MOTIHARI)

=====

Ashish Kumar @ Tunna, Son of Jagdeo Sah, Resident of Village-Lakhaura,
Barwa Tola, Police Station-Lakhaura. District-East Champaran at Motihari.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arpana Kumari

For the Opposite Party/s : Mr. Sri Satyavarat Verma

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 11-01-2018

Heard the counsels for the parties.

The petitioner seeks bail in connection with
Muffasil (Lakhaura) P.S. Case No. 49 of 2017 dated 05.02.2017
instituted for the offence under Section 304(B) of the Indian Penal
Code.

The petitioner is husband of the deceased with
whom he was married in the year 2015. The brother of the
deceased has lodged the F.I.R alleging that immediately after the
marriage, money was demanded by the petitioner and others and
non-fulfillment of the same led to mental and physical torture.
Several times *Panchayati* was also held but to no avail. For some
time, the deceased was kept well in the house of the petitioner
whereas on other occasions, she was troubled for the non-



fulfillment of dowry. On 04.02.2016, the informant came to learn that his sister has been killed. On such information, he came to the matrimonial home of the deceased and found that an attempt was being made to dispose off the dead body. Hence, information was immediately given to the police.

Learned counsel for the petitioner has drawn the attention of this Court to another F.I.R. viz. Muffasil P.S. Case No. 48 of 017, which has been instituted by the elder brother of the petitioner for the offence under Section 306 of the Indian Penal Code. In the aforesaid F.I.R, it has been alleged that the entire family members had been away to Ranchi to participate in a wedding and while the elder brother of the petitioner was at his shop, his physically handicapped nephew came and informed him that the deceased has committed suicide. On such information, he went to his house and found that the sister and mother of the deceased were also present, who later left the house. He has also stated in the aforesaid F.I.R that on 28.01.2017, one Brajesh Kumar had scaled over the house and was caught by the family members. Only on the insistence of the deceased, he was allowed to let go but while leaving the house, aforesaid Brajesh Kumar had threatened the petitioner on point of knife. The inference of the elder brother of the petitioner was that because of this occurrence,



out of shame, the deceased has committed suicide. This F.I.R was lodged on 04.02.2017.

Learned counsel for the petitioner has also drawn the attention of this Court to para 7 of the case diary which indicates that the deceased was hanging from the ceiling in a room which was locked from inside. The door of the room had to be broken open for taking out the dead body of the deceased; thus, lending credence to the case lodged by the brother of the petitioner. Another aspect which could be seen on the reading of the F.I.R lodged by the brother of the petitioner is that on the fateful day, except for the elder brother of the petitioner, nobody was present in the house.

The petitioner is in custody since 24.06.2017 and the charge-sheet in this case has already been submitted.

Taking into account the aforesaid facts, this Court is inclined to grant bail to the petitioner.

The petitioner, above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) with sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Muffasil (Lakhaura) P.S. Case No. 49 of 2017.

However, it is made clear that the petitioner



shall participate in the Trial and will not do anything to impede the pace of the trial. In case the petitioner is found to be doing so, it would be open for the Trial Court or the investigating agency to take steps for cancellation of bail of the petitioner.

(Ashutosh Kumar, J)

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