

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.64667 of 2018

Arising Out of PS. Case No.-148 Year-2018 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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Nagendra Kumar @ Nagendra Singh @ Chhotu @ Chhote, Son of Satendra Singh @ Nanhaku Singh, Resident of Villag Chapardah, P.S.- Magadh Medical College Hospital, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date : 21-12-2018

Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Magadh Medical P.S. Case No. 148 of 2018 dated 23.06.2018 instituted under Sections 302/328/34 of the Indian Penal Code.

3. The allegation against the petitioner and his other family members is of assault and torture and ultimately it is alleged that the daughter of the informant, who was the wife of the petitioner, when came to his house she was not allowed to enter and then she sat at the door and was given something to



eat wrapped in a paper and water and after consuming the same she took ill and ultimately died. It has further been stated in the F.I.R. that the daughter of the informant had a baby child.

4. Learned counsel for the petitioner submitted that the story in the F.I.R. is highly improbable and in the past also there is a history of the daughter of the informant leaving the matrimonial home and threatening to take drastic step to falsely implicate the petitioner and his family members. It was further submitted that she used to talk to her friend from pre-marriage days and, upon objection by the petitioner, she refused to stop talking to him and further that she used to misbehave with all the family members, including the father of the petitioner, due to which he had filed a petition before the D.I.G., Gaya for making enquiry. Learned counsel submitted that Matrimonial Title Suit (Divorce) No. 312 of 2016 is also pending in the Court of the Principal Judge, Family Court, Gaya which has been filed by the petitioner seeking divorce from his wife, the deceased daughter of the informant. Learned counsel further submitted that nobody has seen as to what food the petitioner and his family members had given to the deceased leading to her death and further that in the postmortem report, viscera has been sent for forensic examination and, thus, the fact of poisoning has not yet been



established. It was submitted that the Sarpanch and the Police Inspector of the area have also submitted a report on the complaint filed by the father of the petitioner which supports the allegation made by the father of the petitioner against the deceased. It was further submitted that the minor girl of the deceased, who is also the daughter of the petitioner, is living with the petitioner's family. Learned counsel produced a copy of order dated 25.10.2018 passed by a co-ordinate Bench in Cr. Misc. No. 54148 of 2018 by which anticipatory bail has been granted to co-accused Saguni Devi @ Sugni Devi (mother of the petitioner) and Nitu Kumari (sister of the petitioner).

5. Learned A.P.P. and learned counsel for the informant submitted that the petitioner, being the husband, is the main person who is responsible for the incident. It was further submitted that the divorce suit filed by the petitioner against the deceased in the year 2016 was only an eyewash to create a record, inasmuch as, it has been admitted by him that the deceased used to frequently return to her matrimonial home. It was further submitted that the report of the police on the complaint of the father of the petitioner is also a sham report for the reason that it has only repeated the allegation of the father of the petitioner what he had alleged in his complaint, without any



enquiry, which would be apparent from the fact that the Police Inspector has also written that due to pressure of a few influential persons in the village, the deceased was taken back in the matrimonial home without disclosing the identity of any such person. Learned counsel further submitted that even the deceased herself used to threat that she will take drastic step is also falsified for the reason that if she wanted to take revenge, she would have implicated the family in cases but could not have taken her own life where she would not have seen what trouble was caused to her in-laws' family, including the petitioner. Learned counsel submitted that in any view of the matter, the petitioner, being the husband, has to take responsibility for non-conducive atmosphere in the matrimonial home which resulted in the incident where his wife died. It was further submitted that the persons, who have been granted anticipatory bail, are the mother-in-law and sister-in-law of the deceased, whereas in the present case, it is the husband, who is directly responsible for the well being of the wife.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on anticipatory bail.



7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

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