

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18503 of 2018

Arising Out of PS.Case No. -333 Year- 2016 Thana -MARHAURA District- SARAN

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Ram Babu Prasad, S/o Ram Narayan Prasad, R/o Village- Agahara, P.S.-
Marhowrah, District- Saran at Chapra.

.... Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate

For the Opposite Party/s : Mr. Akbar Ali, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 11-04-2018 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the informant.

The petitioner seeks pre-arrest bail in connection
with Marhowrah P.S. Case No. 333 of 2016 registered under
Sections 304-B read with 34 of the Indian Penal Code.

In short, the prosecution case according to the
informant Sone Lal Prasad is that his daughter Ritu Devi was
married to the petitioner on 20.04.2016. Soon after the marriage,
the father-in-law Ram Narayan Prasad, mother-in-law Sudama
Devi, brothers-in-law Rajdeo Prasad, Santraj Prasad,
Chandrakesh Prasad and Sisters-in-law (Gotani) Rambha Devi



and Sima Devi started subjecting her to cruelty for a Bolero vehicle. On 11.07.2016 at around 6:30 a.m. he was informed that his daughter is ill and when he went together with co-villagers to the house of Ram Narayan Prasad he found that his daughter was killed by pressing her neck.

It is submitted by the learned counsel for the petitioner that the petitioner is not named in the FIR. He is employed as a Constable in Seema Suraksha Bal and on the date of occurrence of offence, he was posted in 99 Battalion of the said Seema Suraksha Bal at Melte Ram Luglei (Mizoram). He submitted that the petitioner was granted earned leave between the period 11.04.2016 and 10.06.2016 for the purpose of marriage and after expiry of the period of earned leave, he reported his joining in the Battalion. He was continuously on duty after he returned to his battalion after his marriage till he received the information regarding death of his wife hereafter, he was granted casual leave for fifteen days to attend her rituals. After the rituals, he came back to the battalion and joined his duty. It was in this background that the informant did not even name as an accused in the FIR. However, subsequently, due to high-handedness of the investigating agency, an attempt is being made to get him implicated also. He submitted that in this regard



the Assistant Commandant (Adjutant) of the battalion has also written a letter to the Superintendent of Police, Chapra (Annexure-3).

On the other hand, learned counsel for the informant and learned counsel for the State have opposed the application for grant of pre-arrest bail to the petitioner. They submitted that it is a case of dowry death and the petitioner being the husband of the deceased cannot be held ignorant of the crime. Learned counsel for the informant submitted that it is true that on the date of occurrence of offence, the petitioner was not present in the village home and, therefore, he was not named in the FIR, but his complicity in the commission of the offence has transpired in course of investigation. He submitted that ante mortem injury was found on the person of the deceased and her death took place in her matrimonial home and, therefore, the petitioner does not deserve to be granted the privilege of pre-arrest bail.

I have heard learned counsel for the parties and perused the record.

Considering the facts and circumstances of the case as also the fact that the absence of the petitioner on the date of occurrence at the place of occurrence is not being disputed, in



the event of arrest or surrender in the court below within six weeks from today, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Saran at Chapra in connection with Marhowrah P.S. Case No. 333 of 2016 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

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