

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21903 of 2019

Arising Out of PS. Case No.-222 Year-2018 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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SHAKTI JHA Son of Anil Kr Jha Resident of Village - Garatol, P.S.-
Phulparas, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ramchandra Jha Raman
For the Opposite Party/s : Mr.Md. Aslam Ansari

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 04-07-2019 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in L.N.M.U. P.S. Case No.
222/2018, instituted for offence under Section(s) 304B, 302 and
34 of the Indian Penal Code.

Petitioner is the husband of deceased.

It is alleged in the written report that petitioner was
married with the daughter of informant in the year 2008. One
son and one daughter were born from the wedlock. It is further
alleged that informant transferred a sum of Rs. 3.8 lacs in the
account of his daughter (deceased) for redemption of gold
ornament of his daughter which was mortgaged by the
petitioner. It is alleged that petitioner used to torture the



daughter of informant for bringing money from her parents. It is alleged that on 23.09.2018 petitioner along with other accused persons brutally assaulted the daughter of informant who died in Paras Global Hospital during course of treatment. Bhagina of informant gave information to him that victim is admitted in Paras Global Hospital and she died on 30.09.2018 in course of treatment. On such information, informant came from Tamilnadu.

Learned counsel for the petitioner has submitted that as per F.I.R., occurrence has taken place on 23.09.2018 at 3:00 P.M. The petitioner being husband brought the deceased in hospital at 3.57 P.M., which is apparent from Annexure-3. It is further submitted that there is no eye-witness to the occurrence. The landlord of victim and the other witnesses have given statement in para 11, 14, 15 and 16 of case diary. They all have stated that petitioner took proper step for treatment of victim. They have not alleged about any specific overt act against this petitioner of causing injury to the victim on the date of occurrence.

Learned counsel for the petitioner has further submitted that there is suicide note of the victim, which is also available in case diary, wherein she has stated that she is



committing suicide. There is no fault of anybody.

In the post-mortem report, doctor has found four injuries on the person of victim. All the injuries found on the person of victim was around the neck. They were ante-mortem caused by ligature around the neck. Cause of death is opined due to hypoxic encephanthy, ischaemia of brain and shock as a result of ligature strangulation.

From the written report, it appears that informant is not eye-witness to the occurrence. He was informed by his Bhagina Pradip Thakur. Thereafter he had come. In para 11 of case diary witness Pradip Thakur has stated that on the date of occurrence, petitioner admitted the victim in hospital after taking monetary help from the landlord. Witnesses in para 14, 15 and 16 have stated that petitioner took proper step for treatment of victim immediately after committing suicide. They have not alleged any allegation of assault against this petitioner.

Petitioner is in custody since 11.10.2018.

Considering the aforesaid facts and circumstances, prayer of the petitioner for grant of bail is allowed. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial



Magistrate, Darbhanga, in connection with L.N.M.U. P.S. Case
No. 222/2018, subject to the conditions that both the bailors
shall be the close relative of the petitioner.

(Sanjay Priya, J)

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