

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46040 of 2019

Arising Out of PS. Case No.-42 Year-2019 Thana- HARSIDHI District- East Champaran

Pradeep Kumar, son of Late Yamuna Singh, resident of village- Ghogharahan,
P.S.- Harsidhi, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar No. 7, Advocate
For the State	:	Mr. Shyam Bihari Singh, APP
For the Informant	:	Mr. Binod Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 11-12-2019

Heard learned counsel for the petitioner; learned APP
for the State and learned counsel for the informant, who has *suo*
motu appeared.

2. The petitioner seeks bail in connection with
Harsidhi PS Case No.42 of 2019 dated 28.01.2019 instituted
under Sections 304-B, 302, 201/34 of the Indian Penal Code.

3. The allegation against the petitioner and his parents
is of killing his wife.

4. Learned counsel for the petitioner submitted that
the marriage had taken place almost nine years back and thus,
there cannot be any truth in the allegation of demanding dowry
due to which the petitioner and his parents could have
committed the crime. It was submitted that there is a son also



born out of the wedlock. Learned counsel submitted that the deceased had consumed food a day prior to her death at night and in the morning she became ill and on the way to the hospital she died. It was submitted that the petitioner and his family members have been falsely implicated. It was further submitted that at the funeral the informant's side had demanded share of property of the petitioner and on refusal the case has been lodged. It was further submitted that the petitioner is in custody since 11.02.2019.

5. Learned APP, from the case diary, submitted that the dead body was disposed off without reporting it to the authorities, which itself is a strong indicator of foul play. It was submitted that the plea of the deceased being taken to the hospital and died on the way is also not believable as the certification of death cannot be done by the persons accompanying the patient and the normal course would be to take such patient to the nearest doctor/hospital where only it can be certified that the person is no more. Learned APP further submitted that the allegation of pressure to share the property of the petitioner by the informant's side is also unbelievable for the reason that the son already had his share in the ancestral property by birth and thus, there was no occasion to demand his



share as he was the sole heir of the petitioner. It was submitted that without maintaining transparency in disposing off the dead body and also not taking the victim to a doctor/hospital clearly shows the complicity of the petitioner in the crime as death occurred in the matrimonial home and the petitioner is the husband.

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 bail.

7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

J. Alam/-

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