

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 8395 of 2020

Arising Out of PS Case No.-42 Year-2017 Thana- PANAPUR District- Saran

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Guddu Ray @ Guddu Kumar @ Guddu Rai, (Male aged 35 years), Son of Shri Parma Rai @ Brahma Rai, Resident of Village-Semarahiya, P.S.-Marhaura, District-Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar, Advocate
For the State : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 21-08-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Awadhesh Kumar, learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner is in custody in connection with Panapur PS Case No. 42 of 2017 dated 07.03.2017, instituted under Sections 304B, 498A and 201 of the Indian Penal Code.



4. The allegation against the petitioner and three other family members is of causing death of the daughter of the informant.

5. Learned counsel for the petitioner submitted that though the petitioner is the husband of the daughter of the informant, who died within one year of marriage, but there was no foul play. It was submitted that the victim was pregnant and in fact, had delivered a female child on 30.04.2015, but due to post birth complication, she was referred to Patna and on the way she passed away. Learned counsel submitted that there was neither any motive nor intention nor any act attributable to the petitioner which resulted in the death of his wife. Learned counsel submitted that even the circumstances of the present case would indicate that no FIR was lodged about the incident of 30.04.2015 and a complaint case was lodged on 14.05.2015 i.e., two weeks after the death of the daughter of the informant and thereafter, the FIR has been registered on 07.03.2017, upon the complaint being referred by the Court to the police. Learned counsel submitted that the entire prosecution has been lodged with ulterior motive to harass the petitioner and his family. Learned counsel submitted that though there has been no documentary proof in support of such contention, but the fact is that there is entry in the Sadar Hospital



with regard to the birth of a girl child and the victim being referred to Patna due to complication. Learned counsel submitted that the petitioner is in custody since 09.09.2019.

6. The Court had initially called for the copy of the case diary but as there was no clear-cut finding with regard to whether actually the victim gave birth to a child and was referred to Patna due to complication, the Superintendent of Police, Saran was asked to give a report. Learned APP, both from the case diary as well as the report received from the Superintendent of Police, Saran, submitted that witnesses have stated with regard to the victim giving birth to a female child in the Sadar Hospital and then being referred to Patna for treatment. However, learned APP submitted that the conduct of the petitioner, inasmuch as, that the incident happened on 30.04.2015 and even if it is taken that the complaint was lodged on 14.05.2015 and thereafter, the FIR was lodged on 07.03.2017, still the petitioner evading the due process of law and coming before the Court only on 09.09.2019, indicates that the petitioner has tried to evade the law.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like



amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, IV, Saran (Chapra) in Panapur PS Case No. 42 of 2017 subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, and (ii) the petitioner shall cooperate in the case and be present on each and every date. Failure to cooperate and being absent on two consecutive dates, without sufficient cause, shall lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar/Anand Kr.

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