

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13097 of 2020

Arising Out of PS. Case No.-18 Year-2019 Thana- BAIKUNTHPUR District- Gopalganj

GUDDU SINGH Son of Late Laldeo Singh Resident of Village - Banaura,
P.S.- Baikunthpur, Distt - Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. P.K. Shahi, Sr. Adv. Mr. Prem Ranjan Raj, Adv.
For the Opposite Party/s	:	Mr. Anil Kumar Mr. Arvind Kumar, APP
For the Informant	:	Mr. Abhay Shankar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

6 04-11-2020 The petitioner seeks regular bail in connection with Baikunthpur P.S. Case No. 18 of 2019 for the offence punishable under Sections 304(B), 201/34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

The case of the prosecution in brief is that the deceased Preeti Kumari was married with one Bipin Kumar Singh as per Hindu rites and rituals and at the time of marriage it is alleged that a sum of Rs. 10 lacs cash, one Bullet Motorcycle and some ornaments etc. were given as gifts to the accused persons and after marriage, the deceased had gone to her matrimonial home, whereafter her husband started making demand for a Bolero jeep by way of dowry. The deceased is stated to have disclosed the demand of Bolero vehicle to her parents and her brother, whereupon the brother of the deceased victim lady had visited the matrimonial home of the deceased and asked her in-laws as to why they were making such



demand, to which the petitioner and his family members, including the husband of the deceased victim lady, had said that in case the demand for dowry is not fulfilled, they would torture and kill the deceased victim lady. It is further alleged that in the month of October, 2018, when the petitioner along with his sisters had committed murderous attack on the deceased victim lady, the informant had visited his deceased sister's matrimonial home and brought her along with him to her parental home at Chainpur. However, subsequently, the petitioner along with one Munna Kumar had come to the house of the informant and had taken away the deceased to her matrimonial house on the occasion of '*Chhath Puja*'. It is also alleged that on 20.01.2019, the informant got information that the accused petitioner along with his family members had committed the murder of the sister of the informant and concealed her dead body, whereafter the informant along with other villagers had gone to the house of the petitioner i.e. the matrimonial house of the deceased victim lady and had asked about his sister, however, no satisfactory reply could be given and upon the informant entering inside the house, he could not find his sister, whereafter the F.I.R. in question was lodged.

The learned Sr. Counsel, appearing for the petitioner, has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that the petitioner is the elder brother-in-law of the deceased victim lady and has got nothing to do with the alleged incident. It is also the submissions of the learned Senior counsel for the petitioner that the husband of the deceased victim lady is already in custody and the petitioner is



rotting in custody since 13.11.2019. It is also submitted that there is no motive for killing the deceased victim lady as far as the petitioner is concerned and moreover, except the statement of one Tej Narayan Singh, who is stated to have deposed before the police against the petitioner, no other material has transpired during the course of investigation, as against the petitioner herein.

The learned counsel for the informant, Shri Abhay Shankar Singh, has submitted that a bare perusal of the FIR would show that the husband was not present at the matrimonial home of the deceased victim lady at the time of incident and, in fact, the petitioner is the person, who was all along making demand for Bolero vehicle and had also threatened that in the event of non-fulfilment of said demand, the deceased victim lady would be killed. The learned counsel for the informant has also referred to the statement of one Tej Narayan Singh made under Section 161 of the Cr. P.C. before the police to show that the petitioner is the main accused of the present case and he has killed the deceased victim lady on account of non-fulfilment of the demand for dowry.

The learned Additional Public Prosecutor has also vehemently opposed the prayer for bail, made by the petitioner.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties, going through the material available on record and upon perusal of the case diary, this Court finds that there is



ample material in the case diary to suggest the complicity of the petitioner in the alleged crime and in fact a witness namely Tej Narayan Singh has also stated in his statement made before the police under section 161 Cr. P.C. that on 19.01.2019 at about 7:00-7:30 P.M. he had seen the petitioner and his sisters carrying some heavy object in a bag, which they had then loaded on a four wheeler vehicle in the back side and had then taken away the said vehicle somewhere and on the next day morning it transpired that the sister of the informant has been killed by the accused persons including the petitioner herein and the dead body has been made to disappear. This Court also finds that the police has also filed a charge sheet against the petitioner and other accused persons finding the case, as alleged, to be true as against them. Thus, this Court finds that a *prima facie* case is definitely made out as against the petitioner herein, hence, I do not find the present case to be a fit case for grant of bail especially on account of the heinous nature of crime, alleged to have been committed by the petitioner herein, thus, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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