

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23559 of 2020

Arising Out of PS. Case No.-112 Year-2020 Thana- GARDANIBAGH District- Patna

Ritesh Kumar @ Pintu, Son of Chandrika Prasad, Resident of Sundari
Enclave Dhirachak, P.S.- Gardanibagh, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Yogesh Chandra Verma, Advocate
		Mr. Ansul, Advocate
For the S t a t e	:	Mr. Sunil Kumar Pandey, Advocate
For the Informant	:	Smt. Soni Srivastava, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 12-10-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Gardanibagh P.S. Case No.112 of 2020 registered for the offence punishable under Sections 304B, 498A of the Indian Penal Code.



Son-in-law of the informant has dropped his daughter in the evening at her *Maika* in a serious condition, whereafter she has been taken for treatment to a hospital where she has succumbed to her injuries.

Mr. Yogesh Chandra Verma, learned Senior Counsel appearing for the petitioner submits that the victim girl was ill since before, suffering with various ailments. The marriage is of 2012, therefore the question of killing for dowry does not arise. The CDRs., which have been collected in investigation, shows that after dropping his wife, the petitioner has gone to various other places. The allegation itself is highly improbable and it does not stand to reason why the petitioner, instead of concealing the injured body of his wife, would drop her off at her *Maika*. In the investigation, the fact that the petitioner left his house with his wife in the morning is corroborated by CCTV footage at his house. The allegations are based on suspicion and extraneous considerations. The allegation regarding the victim being continuously subjected to torture at her matrimonial home is false since there is no such earlier complaint by the prosecution side prior to the instant FIR. The death is suicide.

Learned counsel for the informant as well as the learned APP has opposed the prayer for bail. It has been stated



that there is no basis for the suicide theory propounded by the petitioner or the police. There is neither any reason nor any medical evidence to corroborate any attempted suicide. The two children of the victim, who were travelling with them in the car, have stated that the victim (mother) had been subjected to violence in the car while she was being taken to her *Maika*. Lacerated antemortem wounds which are bone deep have been found on the person of the victim. The same has resulted in her death on account of violence perpetrated by the petitioner, who is an alcoholic. The viscera report is unreliable as the viscera was not preserved as per requisite procedure under law.

Considering the rival submissions, this Court is not inclined to allow the petitioner's prayer for bail. The same is rejected.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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