

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64269 of 2019

Arising Out of PS. Case No.-432 Year-2019 Thana- BIHARSHARIF District- Nalanda

Amit Kumar @ Brajesh Kumar, aged about 32 years, Male, Son of Balmiki Sharma, Resident of Village- Ramibigha, P.S.- Asthawan, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Malay Kumar Choudhary

For the Opposite Party/s : Mr.Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 04-03-2020 Heard both sides.

The petitioner seeks bail in Bihar P.S. Case No.432 of 2019, registered under Sections 304(B) and 34 of the Indian Penal Code.

The informant alleged that he married his daughter about six years ago with Amit Kumar @ Brajesh Kumar of village Ramibigha, P.S. Asthawan, District Nalanda. His daughter got two sons. The accused persons were demanding dowry. On 10.07.2019, when the informant rang his daughter, he got no response. On suspicion, the informant sent his son. The son of the informant informed that the dead body of the daughter of the informant was found in the house of Rajesh Kumar, the elder brother-in-law of the deceased.

Learned counsel for the petitioner submits that the



petitioner is husband of the deceased. The marriage was solemnized in the year 2012. The deceased never complained ill treatment at the hands of the petitioner during seven years of her marriage. It is further submitted that during the course of investigation, all the witnesses examined disclosed that the deceased committed suicide and from her village home she was brought to the house of her brother-in-law where the father of the deceased lodged the case. It is further submitted that from perusal of para 28 of the case diary, it would appear that the Investigating Officer got one suicide note of the deceased. The supervising authority also found the case untrue against other family members but without any evidence found the case true against the husband of the deceased. It is submitted that in the entire case diary, there is no material to show that on account of demand of dowry or on account of ill treatment of the petitioner, the wife of the petitioner committed suicide or wife of the petitioner was killed.

The learned Additional Public Prosecutor submits that the father of the deceased made specific allegation against the petitioner and other family members that they all were torturing his daughter due to non-fulfillment of demand of dowry.

It appears from perusal of the record that the father of



the deceased made allegation of demand of dowry and torture and due to non-fulfillment of demand of dowry they killed his daughter, but none of the witnesses supported the story. The Investigating Officer did not record the statement of even the brother of the deceased who is said to have gone to the house of the petitioner. The informant has not filed any protest petition although the Investigating Officer found the case untrue against other family members.

Considering the facts aforesaid and the fact that the petitioner is in jail since 19.08.2019, petitioner, namely, Amit Kumar @ Brajesh Kumar is directed to be enlarged 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, Nalanda at Bihar Sharif in connection with Bihar P.S. Case No.432 of 2019.

(Prabhat Kumar Jha, J)

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