

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76895 of 2019

Arising Out of PS. Case No.-515 Year-2012 Thana- HILSA District- Nalanda

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AJAY PRASAD Son of Balli Prasad Resident of Village - Dubhara, P.S.-
Dhanarua, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Krishna Pd. Singh, Sr. Adv.

Mr.Bhaskar Shankar, Adv.

For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 02-07-2020 Heard learned counsel for the parties.

This application for regular bail arises out of Hilsa P.S. Case No. 515 of 2012, disclosing offence punishable under Sections 304-B, 201, 34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

Petitioner is the husband of the deceased. It is alleged in the FIR, on the basis of fardbeyan of the informant recorded on 25.10.2012, that the informant's sister was married to the petitioner nearly six months back and after marriage demands were being made for dowry. It is his further case that on 23.10.2012, the petitioner has visited the informant's house where the deceased was there. He had allegedly stayed there. On subsequent date i.e. 24.10.2012 at 8 a.m., allegedly, petitioner



had taken the victim to visit a nearby fair. It is also alleged that in the evening of 24.10.2012, the informant had called the victim on her mobile phone and she had replied that she would be coming late in the night. On 25.10.2012 at 7 a.m., dead body of the victim was found near a *bandh*.

Learned Senior Counsel appearing on behalf of the petitioner has submitted, referring to the postmortem report, that the postmortem was done on 25.10.2012 which discloses cause of death due to asphyxia and time of death more than 48 hours and within 72 hours. He has, thus, submitted that the case of the prosecution that the informant had spoken with the victim on 24.10.2012 is falsified. He has submitted that admittedly when the death occurred, the deceased was not in her matrimonial home. He submits that in all probabilities, the victim might have committed suicide or might have died otherwise while staying at her paternal home and the petitioner has been implicated on the basis of completely false story, for oblique reasons.

Be that as it may, considering the aforesaid submission and the fact that the petitioner is in custody since 11.03.2019, this application is allowed. Let the petitioners, above-named, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand), each with two sureties of the like



amount, each to the satisfaction of learned ACJM, Hilsa,
Nalanda in Hilsa P.S. Case No. 515 of 2012.

(Chakradhari Sharan Singh, J)

Rajesh/-

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