

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79303 of 2019**

Arising Out of PS. Case No.-271 Year-2019 Thana- GAYA KOTWALI District- Gaya

Sanjeev Singh, Son of Rambhaju Singh, Resident of Mohalla - Gol Bagicha,
P.S.- Kotwali, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rashid Izhar

For the Opposite Party/s : Mr.Rabindra Kumar

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 16-01-2020 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner in the present case is seeking regular bail
in connection with Kotwali P.S. Case No.271 of 2019 registered
for the offence punishable under Section 302/34 of the Indian
Penal Code.

Learned counsel for the petitioner submits that although
the case was initially registered under Section 302/34 of the Indian
Penal Code, but after investigation police has submitted charge-
sheet under Section 306 of the Indian Penal Code. It is submitted
that as per prosecution story this petitioner being the husband of
the deceased was serving for a long time at Dubai, the deceased
was allegedly residing with her father-in-law who is the co-
accused and she was being harassed mentally and physically and



that her father-in-law kept on trying to establish illicit relationship with her. It is alleged that she was complaining about this to the informant and it is further alleged that in April, 2019 when the marriage of the granddaughter of the informant was fixed at Gaya, the petitioner, his wife (since deceased) and his father came from Mumbai but in marriage only the daughter participated. After marriage the father-in-law of the deceased refused to keep her in his house, therefore, the informant took her daughter to the house of father-in-law on 27.05.2019. It is alleged that this petitioner along with his wife had thereafter stayed in a hotel near Gaya station where he poisoned his wife on 15.06.2019.

Learned counsel submits that admittedly the marriage between the petitioner and the daughter of the informant had taken place in the year 2008, the petitioner was serving at Dubai and there are materials collected in course of investigation which would show that while the petitioner was serving at Mumbai his wife developed an illicit relationship with one Pratik @ Kaushik Ramnathan Ayyer. On 05.03.2019 she had lodged one FIR with Rabodi Police Station at Thane, Mumbai in which she has herself stated about the relationship with said person and then had established physical relationship with him repeatedly and on several occasions.

Learned counsel submits that in course of investigation



the allegation against the father-in-law that he intended to establish physical relationship with deceased has not been substantiated and further it has also transpired in course of investigation that sulphas tablets were found in the hotel where the deceased had reached, purchased water bottle and then had herself consumed. It has also come in course of investigation that this petitioner along with the staffs of the hotel tried to save her and had taken her to hospital. Learned counsel further points out that ultimately the police has filed charge-sheet under Section 306 of the Indian Penal Code only.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner, however, on going through the materials particularly the supervision note which has been brought on record and in which it has come that the sulphas tablets were found in the hotel room and not from the pocket of the petitioner and further that the allegation against the father-in-law was not substantiated and this petitioner had taken the deceased to the hospital along with the staffs of the hotel and the sister and brother-in-law of the deceased, learned APP for the State submits that the investigation has resulted in a case under Section 306 of the Indian Penal Code only, in the nature of the submissions and the materials available on the record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 15,000/-



(fifteen thousand) with two sureties of the like amount each to the satisfaction of Sri Kumar Prabhakar, learned Judicial Magistrate-1st Class, Gaya in connection with Kotwali P.S. Case No.271 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police officer or tamper with the evidence.

(Rajeev Ranjan Prasad, J)

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