

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85438 of 2019

Arising Out of PS. Case No.-480 Year-2019 Thana- TURKAULIYA District- East
Champanan

=====

Dheeraj Thakur @ Dheeraj Kumar Thakur Son of Birendra Thakur Resident
of Village - Chhagarahan nayaka Tola, P.S.- Sugauli, Distt.- East Champanan
... **Petitioner**

Versus

The State of Bihar

... **Opposite Party**

=====

Appearance :

For the Petitioner	:	Mr.Umesh Chandra Verma, Advocate
For the State	:	Mr.Ashok Kumar, Addl Public Prosecutor
For the informant	:	Mr. Rajesh Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 27-02-2020 Heard learned counsel for the parties and perused the
case diary.

Petitioner apprehends arrest in a case registered for
the offences punishable under Sections 304B, 306, 201/34 of
the Indian Penal Code.

Informant states that on 26.4.2019 his daughter Abha
Kumari was married with the petitioner, who is an Army man in
Bihar Regiment posted at Jammu. After marriage, the petitioner
took Abha Kumari with him and when he was leaving for his
place of posting at Jammu he left her at his parental quarters
situated in Ambika Nagar. It is alleged by the informant that
only after some days, all the accused persons including the
petitioner started subjecting her to cruelty for fetching a Four
Wheeler by way of dowry. He used to abuse her on phone
causing mental torture. On 10.7.2019 the petitioner informed
that his daughter has committed suicide. Thereafter, he went to
Ambika Nagar and on breaking open the door of the room he
found that his daughter was hanging from a ceiling fan.
Meanwhile, accused persons came there and disposed of her
dead body.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in this case being the



husband of the victim. It is further contended that from bare perusal of the FIR, no case of section 304B of the IPC is made out against the petitioner. Referring to a certificate dated 17.9.2019, issued by the Commanding Officer, Unit 63 Rastriya Rifles (Bihar), contained in Annexure 2, he submits that at the relevant time, he was on duty in the Intense Counter Insurgency Area in Jammu & Kashmir. Save and except the general allegation of demand of dowry against all the accused persons including the petitioner, there is no specific allegation against the petitioner of any overt act or any instigation or provoking the deceased to commit suicide. It is further submitted that the petitioner himself informed the informant regarding suicide of the victim.

Learned counsel for the informant opposes the prayer for bail submitting that the petitioner, being the husband of the deceased, subjected his wife to mental cruelty which abated her to end her life.

It appears from perusal of the certificate dated 17.9.2019, issued by the Commanding Officer, Unit 63 Rastriya Rifles (Bihar), the petitioner, at the time of occurrence, was on duty in the Intense Counter Insurgency Area in Jammu & Kashmir. Moreover, there is absence of any overt act or any act of instigation or provocation by the petitioner compelling the victim to commit suicide.

In the circumstances discussed above, let the petitioner, above named, in the event of arrest/surrender before the Court below within a period of six weeks from the date of receipt of the order, be released 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 Chief Judicial Magistrate,



East Champaran at Motihari in Turkauliya (Banjariya) Police Station Case No.480/2019 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

Shashi

U		T	
---	--	---	--

