

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84984 of 2019

Arising Out of PS. Case No.-3 Year-2019 Thana- MAHILA P.S. District- Bhojpur

ROHIT KUMAR @ ROHIT KUMAR CHAURASIYA Son of Mahadev
Chaurasiya Resident of Village- Agarsanda, P.S.- Fefna, District- Baliya
(U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Madanjeet Kumar
For the State	:	Mr. Suresh Prasad Singh, APP
For the Informant	:	Mr. Ramchandra Prasad Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 26-06-2020 Heard the learned counsel for the petitioner, the
learned APP and the learned counsel for the informant.

The matter has been taken up through video
conferencing.

The petitioner apprehends his arrest in Bhojpur
Mahila P.S. case No. 03/2019 registered under Section 498A,
323, 504/34 of the IPC and u/s 3/4 of Dowry Prohibition Act.

The informant, father of victim, Surabhi Kumari,
alleged that he married his daughter with Rohit Kumar one and
half year ago. She went to her Sasural and also gave birth to a
child but after some time her mother-in-law, Saroj Devi, father-
in-law, Mahadev Chaurasia, husband, Rohit Kumar, sisters-in-
law, Priyanka Kumari and Priti Kumari and brother of her
father-in-law started torturing his daughter and they were
subjecting her to all sorts of physical and mental torture. They
were demanding Rs. Two lakhs. His daughter fell ill and she
was complaining of abdominal pain but the accused persons



were not getting her treated. When the condition of his daughter deteriorated, the informant brought his daughter on 14.12.2018 and get her treated in the clinic of Dr. O. P. Rajendra but her condition did not improve. Thereafter, the informant get his daughter treated in the clinic of Dr. Amit Kumar Banka who referred her to Big Hospital, Patna. His daughter was hovering between life and death but her husband and other in-laws have no concern and they wanted to marry the petitioner somewhere else after the death of daughter of informant.

The learned counsel for the petitioner submits that petitioner never tortured his wife. Wife of the petitioner gave birth to a child and immediately thereafter she fell ill complaining abdominal pain. The petitioner is Lab Assistant in a Government Hospital in Uttar Pradesh and he was getting his wife treated. The informant brought his daughter on the pretext of her treatment. From the perusal of Annexure-2, discharge slip of Big Hospital, it would appear that wife of petitioner was diagnosed with colitis on account of colon ulcer and biopsy was taken. Later on it was diagnosed that the wife of petitioner is suffering from cancer. The informant kept his daughter in the house but when her condition deteriorated she was taken to Samay Hospital where she was declared brought dead. The informant taking undue advantage of the unfortunate happenings lodged this case making false allegation with ulterior view and the petitioner deserves anticipatory bail.

The learned APP and the learned counsel for the informant, however, opposed the prayer for bail.

The learned counsel for the informant submits that from perusal of FIR itself it would appear that the informant brought his daughter when the petitioner and other in-laws were



not getting her daughter treated. The informant got her daughter treated in Big Hospital on being referred by Dr Amit Kumar Banka and ultimately she died on 01.03.2019 on account of negligent acts and torture subjected by the petitioner and other in-laws.

Perused the FIR and the case diary.

It appears from the facts disclosed in the FIR that informant brought his daughter from the house of his son-in-law. The daughter of the informant was ill and she was complaining of abdominal pain. The informant did not lodge the case immediately after bringing her to his own house. Firstly, the informant got her treated by a doctor, namely, Dr. O.P. Rajendra. When the condition of his daughter did not improve the informant took his daughter in the clinic of Dr. Amit Kumar Banka who referred the daughter of informant to Big Hospital. The daughter of the informant was admitted on 24.12.2018 and she was discharged on 02.01.2019. After discharge of his daughter from Big Hospital, Patna the informant lodged the present case. The discharge slip itself shows that daughter of informant was suffering from ulcerative colitis which was later on diagnosed as cancer and she died after two months on 01.03.2019 in the house of informant itself.

Considering the facts aforesaid and nature of allegation made against the petitioner, the petitioner, above named, in the event of his arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order is directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub divisional Judicial Magistrate,



Bhojpur, Ara in connection with Bhojpur Mahila P.S. case No.03/2019, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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