

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19538 of 2021**

Arising Out of PS. Case No.-158 Year-2020 Thana- PATLIPUTRA District- Patna

ASHUTOSH KUMAR @ AASHUTOSH KUMAR, Son of Subhash Kumar Yadav @ Subhash Prasad Yadav @ Subhash Rai, Resident of Mohalla- Keshri Nagar, Nala Par, P.S.- Rajiv Nagar (Patliputra), District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Pathak, Advocate Mr. Ashutosh Kumar, Advocate
For the Opposite Party/s	:	Mr. Akhileshwar Dayal, A.P.P.
For the Informant	:	Mr. Ghanshyam Tiwary, Advocate

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

5 28-10-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner, learned counsel for the informant and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Patliputra P.S. Case No. 158 of 2020 registered for the offence punishable under Section 304(B), 34 of the Indian Penal Code. He is in custody since 13.04.2020. Petitioner has no criminal antecedent.

Learned counsel for the petitioner submits that in this



case marriage between the petitioner and the deceased had taken place about three years prior to the alleged occurrence. The deceased hanged herself and save and except the ligature mark around her neck no ante-mortem injury has been found.

Learned counsel further submits that the parties have got a child out of the wedlock and although the family life was going on smoothly but on some trivial issues the deceased hanged herself. During the relevant time the petitioner had gone for treatment of his father just outside his house and he was not present but in course of investigation the I.O. has not examined the neighbours of the petitioner as a result whereof those materials have not come in the case diary.

In any case, the submission of learned counsel for the petitioner is that in absence of his wife now the petitioner has to look after the little child also and he is in custody for over one and half year, chargesheet has already been filed, he has got immovable property at Patna and there is no chance of his absconding from trial, therefore, his prayer for release on bail may be considered.

On the other hand, learned counsel for the informant as well as Mr. Akhileshwar Dayal, learned A.P.P. for the State have opposed the prayer for regular bail of the petitioner. It is



stated that the allegation is that of demand of a four wheeler vehicle by the petitioner and for non fulfillment thereof the daughter of the informant has been killed.

On query made by this Court, learned counsel for the informant as well as learned A.P.P. for the State have not pointed out from the case diary as to the presence of any material with regard to any circumstance suggesting torture to the deceased soon before the occurrence and further it is admitted that in the post-mortem report save and except the ligature mark there is no ante-mortem injury.

Considering the facts and circumstances of the case, though the allegation is that of demand of dowry, however, for the present except the allegations no other material has been brought to the notice of this Court, the petitioner has remained in custody for over one and half year, he has a little child to look after and further that this Court has been informed that the trial is not likely to be concluded in near future, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Sub-Judge-XII-cum-A.C.J.M., Patna in connection with Patliputra P.S. Case No. 158 of 2020, subject to the condition as



laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

