

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19460 of 2021

Arising Out of PS. Case No.-252 Year-2020 Thana- SAHEBGANJ District- Muzaffarpur

Ajit Kumar Son Of Rameshwar Rai R/O Village- Rajepur, P.S- Sahebganj,
Dist- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr.Ajay Kumar Thakur,Advocate Mr.Malay Kumar Choudhary,Advocate Ms.Vaishnavi Singh, Advocate
For the Opposite Party/s :	Mr.Ajit Kumar,APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 28-10-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Ajit Kumar, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Sahebganj P.S. Case No. 252 of 2020 registered for the offences punishable under Sections 304(B)/34 of the Indian Penal Code. He is in custody since 25.08.2020. The petitioner has no criminal antecedent.

Learned counsel for the petitioner submits that this petitioner happens to be the husband of the deceased. The marriage was solemnised on 05.12.2019, however, the allegation is that there was demand of a four-wheeler vehicle



and further that this petitioner was having illicit post-marital relationship with one lady which was being objected to by the deceased.

Learned counsel submits that so far as the demand of four-wheeler vehicle is concerned, it is palpably false, concocted and baseless. It is submitted that the petitioner had purchased a motorcycle after taking loan from HDFC Bank and was paying the installment, he was also giving tuition to some students and the allegation of demand of dowry is only with an intention to falsely implicate.

Learned counsel further submits that the *post-mortem* report of the deceased shows that she had only one injury i.e. one ligature mark over upper part of neck passing obliquely between thyroid cartilage and chin. The deceased died due to asphyxia as a result of *anti-mortem* hanging. It is, thus, his submission that it is a case of suicide.

Learned counsel further submits that in course of investigation, the I.O. has been provided with a photocopy of the suicide note in which the deceased has stated that no one is responsible for her death.

On the other hand, learned APP for the State has opposed the prayer for regular bail of the petitioner. It is



submitted that in this case the death has taken place inside the matrimonial home of the husband within 5 months of the marriage, there is a specific allegation of demand of dowry and the allegation that the petitioner was having illicit relationship with a lady gets support from the CDR analysis of the mobile phone of the petitioner which shows that he was talking to a lady repeatedly and on daily basis. It is his submission that the photocopy of the suicide note has been provided by one person, namely, Rajiv Kumar who is said to be a member of the prosecution party, however, till date the original suicide note has not been made available to the I.O. and the prosecution party has raised doubts over the introduction of the said suicide note in course of investigation. It was not seized on the spot or from near the dead body.

Having regard to the facts and circumstances of the case wherein this Court has noticed that young bride died within a period of 5 months from the date of her marriage within the four corners of her matrimonial home and the submission is that it may be at best a case of suicide but no explanation is coming from the petitioner as to why a bride would commit suicide without there being any reason within 5 months of the marriage in her matrimonial home, finding that the petitioner has



remained in custody till now only for a period of little more than one year, at this stage, the Court is not inclined to release the petitioner on bail. The prayer for regular bail of the petitioner is, thus, refused.

Learned counsel for the petitioner has brought on record a compromise petition said to have been entered into between the parties.

Let the learned trial court proceed with the trial as early as possible and frame the charges within a period of 4 months from the date of communication of this order and all endeavours be made to conclude the trial as early as possible preferably within a period of 9 months from the date of communication of this order. If the trial remains unconcluded during this period or pursuant to framing of charge, in course of evidence if any such material comes on the basis of which the petitioner is advised to move afresh, he may do so by filing a fresh application.

The application stands disposed of accordingly.

(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'.

