

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24185 of 2021

Arising Out of PS. Case No.-180 Year-2020 Thana- PHULWARISHARIF District- Patna

Chandan Kumar Dinkar Son of Late Ram Pravesh Pandit Resident of
Nawada, P.S.- Phulwari Sharif, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashutosh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 22-12-2021 Heard learned counsel for the petitioner and Shri
Chandra Bhushan Prasad, learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Phulwarisharif P.S. Case No. 180 of 2020 instituted for the
offences under Sections 302 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 12.03.2020, is a person with clean
antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that
informant alleges that his daughter Rinki Devi was married with
this petitioner on 25.01.2007 and out of the wedlock the couple
had three children. It is further alleged that the daughter was
also tortured for dowry and even demand of Rs. 10 lakhs was
made. The informant further alleges that on 11.03.2020 he



received information that this petitioner along with his family member has committed murder of his daughter and when he reached the place of occurrence, he found his daughter dead.

Learned counsel for the petitioner submits that the marriage was performed in the year 2007 and the F.I.R. has been instituted in 2020 i.e. after thirteen years of marriage and as such the allegation with regard to dowry appears to be improbable as no case in between these thirteen years was ever filed regarding demand of dowry by the informant or the deceased. Learned counsel submits that the daughter of the informant committed suicide and the informant was aware of the same and he took this as an opportunity to implicate the petitioner and his family members.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner and submits that the son of the deceased namely Prince Kumar aged about thirteen years in his statement recorded under Section 161 Cr.P.C. has stated that on the date of occurrence there was a fight between the mother (deceased) and the father and after the fight they went to sleep in different rooms and the children also slept and in the morning when he woke up he did not find his mother in the room and thus went to the rooftop and saw her mother sleeping



accordingly he felt that some untoward occurrence has taken place and thus informed his father on which he came on the rooftop and saw the dead body of the deceased, further the son has stated that he apprehends that the father and grandmother might have killed his mother. Learned A.P.P. submits that admittedly the petitioner is the husband, the dead body was found inside the house and ligature mark was also found on the neck which amply demonstrate that it was because of the fight, which had taken place as stated by the son, the present occurrence took place.

Considering the fact that the petitioner is the husband and the dead body was recovered inside the house, the Court is not inclined to grant bail to the petitioner. His prayer for bail is thus refused.

(Satyavrat Verma, J)

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