

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25720 of 2021

Arising Out of PS. Case No.-71 Year-2020 Thana- MOHAMMADPUR District- Gopalganj

DHEERAJ KUMAR SINGH @ DHIRAJ KUMAR SINGH SON OF BADRI
SINGH R/O VILLAGE- SHYAMPUR, P.S.- MOHAMMADPUR,
DISTRICT- GOPALGANJ (BIHAR).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Soni Srivastava Mr. Anil Kumar Roy
For the State	:	Mr. Jagdhar Prasad, APP
For the Informant	:	Mr. Akshay Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 22-12-2021 Heard Ms. Soni Srivastava, learned counsel for the petitioner and Sri Akshay Kumar, learned counsel for the informant and Sri Jagdhar Prasad, learned APP for the State.

Petitioner seeks bail in connection with Mohammadpur P.S. Case no. 71 of 2020 registered for the offence punishable under section 304B/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that petitioner is in custody since 22.11.2020, is person with clean antecedent and charge sheet has been submitted. Learned counsel submits that the informant in the FIR alleges that his daughter Onam Kumari @ Babli Kumari was married with this petitioner on 23.4.2019. It is next alleged that after marriage



petitioner and his family members started demanding motorcycle, freeze, washing machine and Rs 1 lac in dowry about which daughter of the informant informed the informant. It is next alleged that on 14.4.2020 at about 7.30 p.m, villager of the informant informed him while he was at Bhilai that family members of this petitioner had killed his daughter, it is next alleged that on information relatives and villagers of the informant went to the place of occurrence and saw his daughter was killed by strangulation. It is next alleged that the informant on account of Covid condition was not able to come from Bhilai, it was only after taking permission from the District Magistrate, Durgapur, Chhatisgarh, informant came and instituted the present FIR on 25.4.2020.

Learned counsel at the outset submits that from perusal of the allegation as alleged in the FIR, it would manifest that the informant has specifically alleged that he was informed that it was family members of this petitioner who killed the deceased, as the petitioner was not even present at the place of the occurrence, learned counsel submits that petitioner was working as fitter in Bhuneshwar and on the date of occurrence he was in Orissa and when he came to know about death on 14.4.2020, he immediately rushed to the village and reached on



15.4.2020. Learned counsel further submits that on 15.4.2020 one UD case no. 02/2020 was instituted, it is submitted that said UD case was instituted on an application submitted by one of the Samdhi of the informant, learned counsel submits that since police had also reached the place of occurrence and if police would have seen that death was not natural then UD case would not have been instituted. Learned counsel further submits that post mortem report has very clearly stated that death was due to asphyxia due to hanging caused by ante mortem injury. Learned counsel for the petitioner submits that admittedly, deceased committed suicide in absence of the petitioner. The reason may be that deceased was not residing alongwith the petitioner and thus, she committed the act but then definitely the petitioner was not present when the occurrence took place. Learned counsel submits that marital discord was also not such that the deceased was compelled to commit such an act.

Learned APP fairly submits that the post mortem report records death due to asphyxia by hanging and apart from ligature mark, there is no injury but opposes the bail application on the ground that the petitioner is husband of the deceased and marriage is only one year old.

Learned counsel for the informant vehemently opposes



the bail application and submits that dowry was being demanded and for non-fulfillment of the same, she was killed but is not able to meet the submissions of learned counsel for the petitioner with respect to the post mortem report.

Considering the facts that petitioner is in jail custody, charge sheet has been submitted and the petitioner in the FIR is not alleged to be present at the place of occurrence when the occurrence has taken place, the petitioner is directed to be released on bail on furnishing bail bonds of Rs 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Gopalganj in Mohammadpur P.S. Case no. 71 of 2020 after framing of the charge.

(Satyavrat Verma, J)

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