

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33906 of 2021

Arising Out of PS. Case No.-229 Year-2019 Thana- BARHARA KOTHI District- Purnia

RAM KUMAR @ SHRIRAM SINGH Son of Late Shiv Shankar Singh
Resident of Village - Bhatotar, P.S.- Barhara, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Soni Srivastava Mr. Samir Kumar
For the Informant		Mr. Bindhyachal Singh, Sr. Advocate
For the Opposite Party/s :		Mr.APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-12-2021 Heard learned counsel for the petitioner Mrs Soni Srivastava and learned senior counsel for the informant Sri Bindhyachal Singh and learned APP for the State.

Petitioner seeks bail in connection Barhara P.S. Case no. 229 of 2019 registered for the offence punishable under section 304B/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the FIR, it would manifest that the informant alleges that his daughter was married to this petitioner in the year 2017 and soon after marriage accused persons started torturing her and started pressuring her for dowry. It is further alleged that the informant at the time of marriage had gifted 72 gram gold ornament and had transferred



4 1/2 Bigha land in the name of his daughter. It is further alleged that bone of contention was the land as the petitioner along with his family members were pressuring the deceased to transfer the land in the name of the petitioner. Learned counsel for the petitioner further submits that the petitioner is an Army personnel and from perusal of Annexure 2, it would manifest that he went to receive dead body of the deceased that in itself shows that petitioner had not committed the occurrence or else he would have tried to flee away from the place of occurrence. Learned counsel further submits that presently whatever has been alleged in the FIR is in the realm of allegation and is still to be proved in a duly constituted trial, learned counsel further submits that being an army personnel petitioner was aware of consequences which would entail after committing the occurrence as such no prudent person would jeopardize his career.

Learned senior counsel appearing on behalf of the informant submits that this petitioner is husband of the deceased though he is army personnel but the occurrence took place when the petitioner was on leave and was at home, further post mortem report records that death was due to asphyxia as a result of throttling. Learned senior counsel further submits that since



post mortem report clearly records that death was due to asphyxia committed by throttling which definitely shows that someone had killed the deceased and the petitioner being husband and was on leave at the time of occurrence and was at home, presumption for the present is against him.

Learned APP also opposes the prayer for bail.

Considering the facts that the petitioner is husband of the deceased and he was on leave when this occurrence took place and in the post mortem report, it is recorded that death was due to asphyxia caused by throttling as such this court is not inclined to release the petitioner on bail and accordingly, his prayer for bail is rejected. Petitioner, if so advised, may renew his prayer for bail after one year.

(Satyavrat Verma, J)

s.hassan/-

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