

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36490 of 2020

Arising Out of PS. Case No.-217 Year-2019 Thana- BUXAR MUFFSIL District- Buxar

SANTOSH RAI @ SANTOSH KUMAR RAI @ PIPUL RAI Son of Anand Rai @ Nandji Rai Resident of Village - Banarpur, P.S.- Buxar (M), District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh-5, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 10-03-2021 Heard Mr. Manish Rai Sharma, learned counsel for the petitioner and Mr. Arun Kumar Singh-5, learned APP for the State.

The petitioner seeks bail in connection with Buxar (Muffasil) P.S. Case No. 217 of 2019 dated 21.07.2019 instituted for the offences under Sections 304(B)/34 of the Indian Penal Code.

The petitioner is the husband of the deceased.

It has been urged on behalf of the petitioner that though this case has been instituted under Section 304(B) IPC but actually it is a case of suicide.

In support of this contention, learned counsel for the petitioner has drawn the attention of this Court to various paragraphs of the case diary wherein independent villagers have said that the deceased along



with her husband used to stay on the upper floor of the house, separately from the other members of the family. On the day of occurrence, the door of the room in which the deceased was found hanging was found to be bolted from inside. The door was forced/broken open and the deceased was found hanging from the ceiling.

Learned counsel for the petitioner has further submitted that there is only one ligature mark on the neck of the deceased without any other injury on her person. This is reflective of the fact that the deceased may herself have inflicted injuries on her while committing suicide. Had it not been the case, there would surely have been marks of violence on her body and the door of the room would not have been found to be closed from inside.

However, this Court on perusal of the entire records, finds that the deceased was being tortured for dowry and for which necessary intervention was made by the informant earlier also. The entreaties of the informant to treat his daughter well went on deaf ears. It was only when the informant was told that his daughter has died that he visited her matrimonial home and found her dead body. The post-mortem report, for sure, indicates that there was a ligature mark on her neck which was not continuous; rather irregular and



there were no physical marks on the body, but these facts alone would not be enough to give a finding at this stage that it was a case of suicide.

Even if it were a case of suicide, the petitioner as the husband of the deceased was responsible for her well being.

The theory of suicide does not appear to have been accepted during the course of investigation.

The petitioner is in custody since 16.01.2020.

Regard being had to the nature of accusation and the materials in the investigation papers, I am not inclined to grant bail to him for the present.

Accordingly, the prayer for bail is rejected.

However, looking at the period of custody of the petitioner, it is directed that the court below shall expedite and conclude the trial preferably within a period of one year from the date of receipt/production of a copy of this order.

The petition stands disposed of with the aforesaid observations.

(Ashutosh Kumar, J)

krishna/-

U		T	
---	--	---	--

