

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 33637 of 2020

Arising Out of PS. Case No.-228 Year-2019 Thana- PAKARIBARAW District- Nawada

RAJESH KUMAR S/o Tanik Singh Resident of Village-Meghipur, P.S.-
Pakribarawan, District-Nawadah.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

For the Petitioner/s : Mr N K Agrawal, Sr Advocate with
Mr Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr Aditya Narayan Singh 1, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD
ORAL ORDER

6 26-07-2021 This case has been taken up today for consideration
through Video Conferencing.

Heard learned senior counsel for the petitioner and the
learned Additional Public Prosecutor (for brevity, *APP*)
appearing for the State of Bihar.

Petitioner seeks bail in a case registered under
Sections 304B, 201/34 of Indian Penal Code and Sections 3/4 of
Dowry Prohibition Act.

There is alleged that the brother-in-law of the
informant lives in Gujarat with all family members. Informant
has telephonically intimated that in-laws' family of his daughter
have assaulted the victim on the point of dowry. Informant has,
accordingly, reached the matrimonial house of his daughter and
was informed that his daughter has died. Allegation is that after
pouring kerosene oil, the victim has been done to death and her
dead body has been disposed of. The burnt part of the dead



body has allegedly been found in the school.

Learned senior counsel submits that the petitioner's implication is false. No such killing has taken place. He has submitted that in fact the victim, a short tempered lady, over some trivial matter, has committed suicide after handing over her young son to her mother-in-law. The *Mama* of the deceased has lodged the instant case with ulterior motive and in the investigation, the fact that the victim has committed suicide, has been supported by various persons. The Investigating Officer inspected the house of the victim and found the victim hanging at her matrimonial home. The allegation of the victim being set ablaze is, therefore, palpably false. The submission is that in the investigation, material has come to suggest that there was repeated quarrel between the victim and her husband, but there is no material to suggest that the same was over any demand of dowry.

The learned APP has submitted that the petitioner is the husband. From the case diary, it is apparent that the investigation has revealed that the victim had died hanging in her matrimonial home. The same has happened within much less than seven years of her marriage with the instant petitioner and in such circumstances, the petitioner should not be allowed



the privilege of bail.

Having heard the parties and considering the fact that the petitioner has been in custody since 26.07.2019 and the matter is still fixed for framing of charges, the petitioner, after framing of charges, may be released on bail by the Court below subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This application is allowed.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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