

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34105 of 2020

Arising Out of PS. Case No.-49 Year-2019 Thana- GAUTAMBUDHNAGAR District- Siwan

Sunil Prasad @ Sunil Kumar Prasad S/o Ram Chandra Prasad resident of
Village - Chachopali, P.s. - G.B. Nagar, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajiv Kumar

For the Opposite Party/s : Mr. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 13-04-2021 Heard both sides.

The petitioner apprehends his arrest in G.B. Nagar PS case No. 49/2019 registered under Section 304B/34 of the IPC.

The informant, brother of the deceased, alleged that his sister, Kusum Devi, was married with Sunil Prasad, the petitioner, three years ago. Sunil Prasad and his father, Ram Chandra Prasad, threatened and abused him telephonically for demand of motor cycle, chain and ring made of gold and if the demands are not met they would kill his sister. A Panchayati was held and Sunil Prasad and his mother, Kalawati Devi, sister Saroj Devi, elder brother, Ramesh Prasad and Meera Devi, sister-in-law, subject the deceased to physical and mental torture. On 17.02.2019 some villagers of his brother-in-law informed the informant that his sister was killed. After having



received such information the informant rushed to the house of his sister and found her dead. There was ligature mark all around her neck and there was sharp cut injury on the abdomen of the deceased.

The learned counsel for the petitioner submits that of course the petitioner is husband of the deceased but he never demanded any dowry nor tortured his wife. The informant purchased the motor cycle in the name of his sister, Kusum Devi, at the time of her marriage and, therefore, there is no question of demand of motor cycle after solemnization of marriage. The petitioner is employed in United Arab of Emirate and first VISA was granted to the petitioner from 30.09.2015 to 29.09.2017. Thereafter, VISA was extended from 30.09.2017 to 29.09.2019. Again the VISA was extended from 30.09.2019. The petitioner came to his village but again went to UAE on 11.03.2018 and since then he is in UAE. The occurrence took place on 17.02.2019. It is further submitted that deceased committed suicide by hanging herself which would appear from the post mortem report. The deceased was under treatment of Dr. Shweta Rani and she gave birth to a female child and there was cesarian. Mark on abdomen is cesarian mark. No stab injury is found on the abdomen of the deceased. The deceased was



treated in Sahyog clinic, Siwan and ultra sound shows that uterus was bulky and cyst had developed. The deceased became depressed and, therefore, she committed suicide. The father-in-law, the mother-in-law and the other in-laws have already been granted anticipatory bail by different benches of this court vide orders passed in Cr. Misc. No. 54626/2019 and in Cr. Misc. No. 2984 of 2020, therefore, the petitioner deserves anticipatory bail.

The learned APP, however, opposed the prayer for anticipatory bail.

Perused the FIR and the case diary.

It appears that brother of the deceased made allegation that after marriage the petitioner, being husband of the deceased, started demanding different articles and he subjected his wife to physical and mental torture. Panchayti was held but the informant got information on 17.02.2019 that his sister was done to death. When the informant went there he saw that his sister was strangled to death and there was stab injury on her abdomen. From perusal of the inquest report as well as post mortem report, it appears that there was ligature mark all around the neck of the deceased. The Board of doctors found one stab injury on the abdomen of the deceased, therefore, it is not a



mark of operation rather the doctor opined that there was stab injury on the abdomen of the deceased. Of course, the doctor found the cause of death as asphyxia on account of hanging but it further transpires that the petitioner stated that he got VISA of UAE on different dates but there is nothing on record to show that he was in UAE on the date of occurrence. The witnesses have also reiterated the facts that it was the petitioner who subjected his wife to different sorts of torture and the petitioner killed his wife.

Taking into consideration the facts aforesaid and the nature of allegation made against the petitioner, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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