

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34619 of 2020

Arising Out of PS. Case No.-315 Year-2020 Thana- KHAGARIA District- Khagaria

Bhutiya Devi @ Buchiya Devi Wife of Kamleshwari Singh @ Kamo Singh
Resident of Village- Bhadas South, P.S.- Muffasil, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Kishor Poddar
For the Opposite Party/s : Mr. Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 28-10-2021 Heard learned counsel Mr. Jai Kishor Poddar,

 appearing on behalf of the petitioner and learned APP Mr.

 Parmanand Kumar, appearing on behalf of the State.

The present petition under Section 438 of the Cr.P.C.

is for anticipatory bail to the petitioner in connection with

Khagaria (Muffasil) P.S. Case No. 315 of 2020 for alleged

offence under Sections 304 (B) and 120 (B)/34 of the Indian

Penal Code.

Prosecution case in brief is that informant Kushum

Devi (mother of deceased) has filed a written information before

S.H.O. Khagaria (Muffasil) alleging there in that on 22.04.2020

at about 5:10 P.M., in the evening, Suman Kumar, who is the

husband of her daughter informed her that her daughter has

died. It is further alleged that daughter of the informant got



married with said Suman Kumar on 15.02.2020 and just after two months of marriage this incident took place. It is further alleged that soon after marriage, the in-laws of the deceased started demanding Rs. 1,00,000 cash and a motorcycle but family members of the deceased could not fulfill the demand and due to that accused person assaulted the daughter of the informant and thereafter she died and on the basis of allegation made the above F.I.R was lodged.

Learned counsel appearing on behalf of the petitioner submits that the daughter of the informant was in love affair with some other boy and as such she was not happy with the marriage with the accused Suman Kumar therefore, she has committed suicide. He further submits that there is no external injury on the body of the deceased and as such this is a clear cut case of suicide by hanging with the ceiling of the roof.

Learned counsel appearing on behalf of the informant and learned APP, vehemently, opposed the prayer for grant of anticipatory bail to the petitioner and he pointed out that in paragraph no. 8 of the case diary, one independent witness has supported the case of the prosecution.

Having considered the rival contention between the parties and perusal of the F.I.R and case diary, this Court is not



inclined to grant bail to the petitioner.

Accordingly, the application stands dismissed.

If the petitioner may so advised may surrender before the Court below within a period of six weeks from today and pray for regular bail, the learned Court below shall consider case on its own merits in accordance with law, and pass appropriate order without being prejudiced by the present order.

(Purnendu Singh, J)

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