

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1701 of 2021

Arising Out of PS. Case No.-160 Year-2020 Thana- RAJIVNAGAR District- Patna

SUMIT KUMAR S/o Krishna Mohan Lal R/o Mohalla- Rajeev Nagar, Road
No. 17, P.S.- Rajeev Nagar, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 03-03-2021 Heard both parties.

The petitioner seeks bail in Rajiv Nagar P.S. Case No.
160 of 2020, registered for the offence punishable under Section
306 of the Indian Penal Code.

FIR was lodged on the basis of fardbeyan of the
informant Baby Das. It is alleged in the fardbeyan that daughter
of informant Pragya Anand was married with this petitioner in
the year 2015. After marriage, her daughter was living at her
matrimonial house happily and there was no dispute in the
family. In the meantime, informant's son committed suicide in
January, 2020 and thereafter, Pragya Anand started feeling sad
and depressed. It is further alleged that no medical treatment
was provided to her daughter for depression. On 29.05.2020 at
7.10 am, father-in-law of Pragya Anand informed her that



Pragya has committed suicide by setting herself on fire. At that time informant was at Mumbai with her another son-in-law due to which she could not reach at Patna on the same day. On 30.05.2020, informant along with her son-in-law and daughter came at Patna and joined the cremation of deceased Pragya. It is further alleged that her daughter was in depression and was not properly treated as a result of which she committed suicide. She further raised suspicion that her daughter was subjected to mental torture by her mother-in-law, as a result of which she committed suicide.

It is submitted on behalf of the petitioner that from bare perusal of FIR, it is apparent that petitioner being husband of the deceased there is absolutely no allegation of demand of dowry or ill treatment against him. Petitioner is not named in the FIR. At the relevant point of time, petitioner was not present at the place of occurrence. The deceased was living happily in her matrimonial home and there was no complain. It is further submitted that wife of the petitioner committed suicide and thereafter, father of petitioner informed the police and police has registered UD Case No. 03/2020 on 29.05.2020 on the basis of fardbeyan of petitioner's father in which it is stated that the deceased was deeply disturbed after suicide of her brother.



Informant along with others also joined cremation of the deceased and never raised any objection or allegation against the petitioner and his family members. However, during the course of investigation, the informant made contradictory statement. Petitioner is in custody since 05.06.2020 and bears clean antecedent. Chargesheet has already been submitted.

However, counsel for the State vehemently opposed the bail application and submitted that during course of investigation some of the witnesses have alleged demand of dowry against this petitioner.

Considering the facts and circumstances of the case and the fact that there is absolutely no allegation of demand of dowry, ill treatment or instigation against this petitioner and the deceased committed suicide out of depression, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Judge-cum-Additional Chief Judicial Magistrate III, Patna in connection with Rajiv Nagar P.S. Case No. 160 of 2020, subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the



court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

vinita/-

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

