

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15251 of 2021

Arising Out of PS. Case No.-493 Year-2019 Thana- SAHEBGANJ District- Muzaffarpur

SANDEEP KUMAR S/O RAMBABU RAI, R/o village- Rampur
Bikhanpura, P.S.- Sahebganj, District- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

8 04-02-2022

Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner, who is in custody since 19.09.2020,
seeks regular bail in connection with Sahebganj P.S. Case No. 493 of
2019, for the offence punishable under Sections 304-B, 201 and 120-
B of the Indian Penal Code.

The prosecution case, in brief, is that informant, who
is father of the deceased, has alleged that the his daughter was
married with this petitioner on 11.06.2014 and from the wedlock,
she was blessed with a daughter. Thereafter, petitioner started
demanding of four wheeler and Rs. 10 Lakhs and tortured the
deceased mentally as well as physically and misbehaved with her. It
is specifically alleged that just after the birth of girl child, the
accused persons started demanding Bolero vehicle and Rs. Five



Lakh and on non-fulfillment of the demand they had driven the deceased from her matrimonial house. It is further alleged that father of the deceased, informant, used to work in Haryana and on 09.11.2019, the petitioner brought the deceased to his house and at the same time, informant gave him Rs. 2.5 Lakhs willing that the matrimonial relation of the deceased become normal and at the same time, the deceased was conceiving a six months fetus. It is alleged that on 12.11.2019, all the accused persons named in the F.I.R., including the petitioner, killed the deceased and in order to conceal the evidence the dead body of the deceased was cremated. The informant was informed by the local villagers at Haryana and after coming from the Haryana, the informant lodged the F.I.R. on 15.11.2019.

Learned counsel appearing on behalf of the petitioner submits that petitioner has falsely been implicated in this case. The informant has not disclosed the fact that the deceased, the wife of petitioner, was mentally not sound and for this purpose, he had started her treatment by a competent psychiatric, however, her mental condition could not be improved in spite of giving her regular medicine. The deceased, on her own, had gone to her parental house in Haryana and as per the prescription of the Doctor, since she was advised to be checked again on 11.11.2019, he went to Haryana to bring her back for getting her check up on 11.11.2019 and in this regard, he has relied upon the medical



prescription of the concerned psychiatric under whom the deceased was undergoing treatment. He further submits that it is mere misfortune of the petitioner his wife had taken overdose of the medicine and as such she died, which would also appear from the Postmortem report. He has made his forceful argument that the allegation of dowry and torturing, the deceased was never raised at any point of time after the marriage and just to implicate the petitioner in a false case, a different story has been built up against him to establish a case of dowry death for non-fulfillment of demand of dowry as alleged in the F.I.R. The petitioner is in custody since 19.09.2020.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He further submits that there is direct allegation against the petitioner causing torture and demand of dowry just after the marriage and after birth of the girl child. The petitioner along with other accused persons killed his wife and with intention to remove the evidence, they set the dead body of the deceased on fire. However, he has referred certain paragraph of the case diary from which it would appear that the deceased was undergoing treatment for her unsound medical condition and the prescription of the Doctor annexed with the case diary and at paragraph No. 38, the details regarding the same has been drawn by the I.O of this case. In paragraph No. 27, he has drawn attention of this Court that at the time of cremation of the dead body of the wife



of petitioner, the uncle of the deceased as well as other villagers were present.

Having heard the parties, perused the F.I.R. and materials surfaced in course of investigation prima face it appears that before lodging of the present F.I.R., no complaint was made with respect to the demand as alleged in the F.I.R. as well as there is no element of torture having been found in course of investigation. It appears that informant of the case is well to do family and the petitioner has been able to establish his case that the deceased was undergoing her medical treatment by a competent Doctor as would appear from paragraph No. 38 of the case diary and in this regard, the conclusion drawn in the supervision note with respect to the cause of death is that the deceased was suffering from Schizophrenia and just after coming from her parental home in Haryana along with the petitioner she was shown to the Doctor on 11.11.2019 because her condition has deteriorated. She had consumed huge dose of medicine, which had to her death. I am of the opinion prima facie the petitioner has made out a case for grant of regular bail.

Considering the above mentioned facts and circumstances of the case, the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-1, Muzaffarpur in connection



with Sahebganj P.S. Case No. 493 of 2013, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) 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.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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