

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.7875 of 2022**

Arising Out of PS. Case No.-161 Year-2021 Thana- KAMTAUL District- Darbhanga

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Ashish Kumar Gupta S/O Late Krishn Kumar Gupta @ Mahaseth Resident  
Of Village- Kamtaul, P.S.- Kamtaul District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

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

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

3      07-12-2022                      Heard learned counsel for the petitioner and learned  
APP for the State.

Let the defect (s), if any, as pointed out by the  
office, be removed within a period of four weeks.

In the present case, the petitioner seeks bail in  
connection with Kamtaul P.S. Case No. 161 of 2021 registered  
for the alleged offences under Sections 304(B), 120(B) and 34  
of the Indian Penal Code.

As per prosecution case, marriage of the daughter of  
the informant was solemnized with the petitioner in the year  
2020. Just after the marriage the petitioner and his other family  
members started torturing the daughter of the informant on  
account of their demand of dowry. On the fateful night, daughter  
of the informant was brutally assaulted by the petitioner, his

brother and wife of his brother who strangulated the daughter of the informant to death.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He has been falsely involved in the present case merely on suspicion. There was no feud in the marriage and within a year of her marriage a female child was born out of the wedlock and even during the time of occurrence daughter of the informant was pregnant. During investigation the independent witnesses have clearly stated that due to some quarrel between the wife and husband the deceased committed suicide. Even the post mortem report does not support the allegation made in the F.I.R. learned counsel further submits that no occurrence as alleged has ever taken place. Due to some domestic problem wife of the petitioner committed suicide and her family members were informed but they choose to lodge a wrong and false case against the petitioner. Charge sheet has been submitted in this case and the petitioner is in custody since 13.07.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the death of the daughter of the informant occurred within seven years of marriage in her matrimonial home and the petitioner is liable to account for her

death. However, learned A.P.P. concedes that witnesses in paragraph 45 and 46 have stated about the daughter of the informant committing suicide.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that about doubt has been created over the involvement of the petitioner in view of the statement of the witnesses about suicide being committed by the deceased, and also considering the submission of charge sheet along with period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga in connection with Kamtaul P.S. Case No. 161 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three

consecutive dates or in violation of the  
terms of the bail, the bail bond of the  
petitioner will be liable to be cancelled  
by the court concerned.

**(Arun Kumar Jha, J)**

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