

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12986 of 2022

Arising Out of PS. Case No.-265 Year-2021 Thana- LAHERIYASARAI District- Darbhanga

Ritesh Dutt Son of Rishi Dutt Resident of Bhaiani Tola, P.S.- Malsalami,
District- Patna.

... .. Petitioner

Versus

The State of Bihar

.. .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Priyanka Singh, Advocate.

For the Opposite Party/s : Mr. Meena Singh, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 28-07-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Laheriasarai P.S. Case No. 265 of 2021 under Section 304 B of
the Indian Penal Code.

As per the prosecution is that the daughter of the
informant was employee in the office of Disaster Management,
and posted at Lakhisarai Darbhanga. The informant informed
that marriage of his daughter was solemnized in 01.12.2020
with the petitioner. There was demand of dowry of Rs. 9 Lakh.
It has also been alleged by informant that her daughter was
subject to torture for her full salary. He states that his daughter
was in service and posted at Darbhanga, where she committed



suicide by hanging with fan, due which the present case has been filed.

Learned counsel for the petitioner submits that petitioner is the husband, his marriage was solemnized in the year 01.12.2020. His wife was residing in a rented house at Darbhanga. Whereas petitioner was employee of a reliance company and was residing at Patna. He submits that the allegation of demanding dowry was not correct as both have sufficient personal income it has been submitted that this event has taken place just after couple of months from the date of marriage. He submits that husband was admittedly not living with the wife. She was living alone at the place of her service at Darbhanga on rent. The alleged occurrence had taken place at Darbhanga where the body of his wife was found hanging on the ceiling fan in the house in which she was living alone on rent. It has been submitted by the learned counsel that the inquest report, seizure list substantiate that the deceased had committed suicide. One letter (Annexure-2) was recovered showing sketch of a person with her note "I love you". Learned counsel for the petitioner further submits that there is a possibility that deceased may be frustrated due to non-fulfillment of her love and she may have committed suicide. Learned counsel for the petitioner submits that petitioner is in custody since 24.11.2021. It has been specifically mentioned in paragraph 17 of the petition that as per the information to the husband-petitioner, the deceased was a short tempered girl and



even before marriage she attempted to suicide twice.

Learned APP opposes the prayer for bail and submits that it is an offence under Section 304B and petitioner is husband therefore, his bail may be rejected.

Informant has also appeared in this case through vakalatnama, the informant submits that the demand to transfer entire money of her daughter into the account of her husband was consistent as well as there was dowry demand which resulted into the death of her daughter therefore, bail may be rejected.

In the present facts and circumstances of this case and the submissions made above and due to three reasons firstly that the deceased was an independent working lady having a different mind set than a house wife and was posted in service at Darbhanga alone. Secondly, her marriage was solemnized just few months before the said occurrence and even then family of husband had provided such freedom to her to continue service and as such she was residing in rented house alone. Thirdly that none of the family members were residing with deceased at Darbhanga and all her in-laws' family including petitioner were residing at Patna. Whereas her dead body was found hanged in her rented house at Darbhanga. Let the petitioner above named, be granted bail on furnishing bail bonds of Rs. 50,000/- (Rupees Fifty thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Darbhanga in connection with Leheriasarai P.S. Case No. 265 of 2021, subject to the



conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioner.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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