

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19000 of 2022**

Arising Out of PS. Case No.-382 Year-2015 Thana- BALIYA District- Begusarai

RAJEEV CHOUDHARY Son of Ram Bilash Choudhary Resident of Village -
Masudanpur, Diara, P.S.- Balia, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha

For the Opposite Party/s : Mr.Jitendra Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

3 05-09-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in Balia P.S. Case No.
382/2015 registered for the offence punishable under section
304B/34 of the Indian Penal Code.

As per the allegation the informant's daughter was married
to this petitioner in the year 2015 and after the marriage this
petitioner who happens to be husband of the deceased and his family
members started torturing the deceased for the demand of a
motorcycle and thereafter, all of them allegedly strangled the
victim to death on account of their demand having not been fulfilled.

The main submissions advanced by Sri Ranjan Kumar
Jha, learned counsel appearing for the petitioner are that the alleged
offence of 304 (B) IPC is not made out in this case as the deceased



lady was already a married woman and her marriage solemnized with one Sanjeet Singh against him the deceased lodged a case under section 498 (A) of IPC and allied sections of IPC regarding this fact, the petitioner has filed annexure-2 and the said document is sufficient to prove the victim's earlier marriage and there is no details of divorce having taken place in between the deceased and her husband namely, Sanjeet Singh. Hence in absence of the legal matrimonial relationship between the deceased and this petitioner the alleged offence of 304B IPC does not attract in this case. Further submission is that the deceased lady was having mental disease owing to that she herself committed suicide and in support of the said mental disease sufficient documents relating her treatment have been filed vide annexure-3 series and in inquest report any injury on the body of deceased was not mentioned. Further submission is that the petitioner has been languishing in jail for more than 2 years.

Sri Jitendra Kumar Singh, learned APP appearing for the State has opposed the prayer for bail.

Heard both sides and perused the FIR as well as case diary of this case.

Though the prosecution has failed to submit any document showing legal divorce in between the deceased and her previous husband but the witnesses in paragraph nos. 4, 5 and 6 of the case diary stated that at the time of incident, deceased used to live



in the house of this petitioner as his wife and she died unnatural death and deceased was being tortured by this petitioner and his family members and the doctor concerned who conducted the post mortem examination opined the cause of death as asphyxia due to throttling of neck and the same goes against the petitioner's defence as to the deceased was suffering from mental disease.

Considering these facts, in the opinion of this Court the petitioner does not deserve the privilege of bail at this stage and, accordingly his prayer for bail stands rejected.

As the petitioner has been undergoing judicial custody for the last 02 years, hence the trial court is directed to conclude his trial in the next 09 month, if the same is not concluded within the said period then the petitioner will have liberty to renew his bail prayer.

(Shailendra Singh, J)

s.hassan/-

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