

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28547 of 2021

Arising Out of PS. Case No.-718 Year-2020 Thana- BHABHUA District- Kaimur (Bhabua)

BIRENDRA KUMAR SINGH S/O LATE RAM KUMAR SINGH
RESIDENT OF VILLAGE-BARKI BASAULI, P.S.-BUXAR INDUSTRIAL
AREA, DISTRICT-BUXAR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Sunil Kumar, Advocate
For the Opposite Party/s	:	Mr. Rama Kant Sharma, Advocate Mr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 03-02-2022 Heard the parties through video conferencing.

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

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

Petitioner, who is in custody since 01.02.2021, seeks
regular bail in connection with Bhabhua P.S. Case No. 718 of
2020 registered for offences punishable under Section 304B/34
of the Indian Penal Code.

Prosecution case, in brief, is that the daughter of the
informant namely, Reema Kumari(deceased) was married with
Dharmendra Kumar. After few days of the marriage, Birendra



Kumar Singh, the elder brother of the informant's son-in-law called him near Buxar Railway Station and took him in Musafir Gang Mohalla. He shows a land there to informant and expressed his willingness to purchase it. After a week, he called the informant on his house and in present of his mother and wife said him that he has married his daughter with a service man but did not given any dowry. They asked the informant to get them purchased the land in Musfir Gang in the name of Birendra Kumar Sing. When the informant expressed his incapacity to get purchase the land, all the three asked him that they will not keep his daughter. Dharmendra Singh, the son-in-law of the informant called him on phone and asked to get purchase the land in the name of his brother. In the month of July, 2020 his brother-in-law came on leave to his house and asked his wife about purchasing the land in the name of his brother. He committed mar-pit with his wife and threatened that he will divorce her. Reema Kumari told the matter to the informant. Again Birendra Kumar made a plan to purchase a truck whereupon Dharmendra Kumar asked Reema Kumari to demand Rs. 5,00000/- from her father within a week. The accused Dharmendra Kumar asked Reema Kumari to give Rs. 2,00000/- to Birendra Kumar from her account. When she did



not give the money the accused harassed her. On 13.10.2020, Amod Kumar Singh informed the informant that his daughter has been died in police line, Bhabhua. Accordingly this case was lodged.

Learned counsel appearing on behalf of the petitioner submits that the alleged death of the deceased has taken place in the police barrack. Victim was a constable in Bihar Police and committed suicide in police line and as such mere on suspicion, the present F.I.R. has been filed against the petitioner alleging there in that he is the one who had demanded five lakh rupees from the deceased. Nothing has surfaced in course of investigation against the petitioner. There is minuscule evidence available in the case diary so as to connect the petitioner with the alleged crime.

Learned A.P.P. for the state has opposed the prayer for grant of bail to the petitioner. He submits that from the perusal of the case diary it appears that petitioner is the brother of the husband of the deceased and he had demanded five lakh rupees for purchasing vehicle which was not fulfilled by the deceased and they tortured her and as such she committed suicide.

Considering the above mentioned facts and circumstances of the case as well as the case diary, there is no



allegation of tampering the evidence or influencing the witnesses and trial is not likely to be concluded soon due to COVID-19 pandemic, the petitioner, above named, is directed to be enlarged on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabhua in connection with Bhabhua P.S. Case No. 718 of 2020 subject to the following conditions:

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

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

(iii) 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.

(Purnendu Singh, J)

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