

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30489 of 2021

Arising Out of PS. Case No.-274 Year-2020 Thana- SAUR BAZAR District- Saharsa

ASHUTOSH KUMAR SINGH @ BITTU @ ASHUTOSH KUMAR BITTU
S/o Late Ashok Kumar Singh R/o village- Jamhara, Ward No. 7, P.S.- Sour
Bazar (O.P. Patarghat), District- Saharsa Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subesh Sharma
For the Opposite Party/s : Mr. Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 07-03-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Sour Bazar (Patarghat O.P.) Police Station Case No. 274 of
2020, registered for the offences punishable under Sections 304-
B/201/120-B/34 of the Indian Penal Code.

The prosecution case, as per the First Information
Report, is that the marriage of the sister of the informant was
solemnized with the petitioner in the year 2017 and on
09.07.2020, the informant received information that his sister
has been killed by the petitioner and other family members after
administering her poison due to non-fulfillment of the demand
of dowry.

Learned Counsel for the petitioner submits that the
petitioner has falsely been implicated in this case as an
afterthought and referring to the medical reports and other



reports relating to the deceased being found COVID positive, submits that earlier, on 02.06.2020, the deceased was found COVID positive, however subsequently she was declared COVID negative, but on 09.07.2020, she developed breathing and vomiting problem and her condition deteriorated, due to which she was admitted to Gayatri Emergency and Trauma Centre, Saharsa and from perusal of the prescription of the hospital, it would be evident that she was given various medicines by the hospital, but subsequently she died on 10.07.2020, which would be evident from the dead body carrying certificate, issued by the hospital. He further submits that since she died of COVID-19, nobody was willing to touch her dead body, however, the petitioner, along with his family members cremated the dead body in a vegetable field on 12.07.2020 and as per the seizure list, the remains of the dead body was allegedly recovered by the police on 12.07.2020 at 01 o'clock in the afternoon, but from perusal of the formal First Information Report, it would be evident that the First Information Report was lodged on 12.07.2020 in the evening at about 09:55 PM. Accordingly, the submission of learned Counsel for the petitioner is that the petitioner along with others have falsely been implicated in this case based upon the



concocted and suspicious First Information Report. He further submits that the petitioner is in custody since 20.01.2021 and charge sheet has been submitted against the petitioner and as such, there is no likelihood of the petitioner being abscond or tamper with the evidence.

Regards being had to the submissions advanced on behalf of the parties concerned and taking into consideration the medical reports and COVID-19 positive report of the deceased and the fact that there is discrepancy regarding timing in the seizure list and the First Information Report, the petitioner is in custody since 20.01.2021 and charge sheet has already been submitted, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, 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, Saharsa, in connection with Sour Bazar (Patarghat O.P.) Police Station Case No. 274 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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