

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29462 of 2022

Arising Out of PS. Case No.-16 Year-2022 Thana- SAMASTIPUR District- Samastipur

Suraj Kumar Son Of Sunil Sah R/O Mohalla- Bengali Tola, P.S.- Town
Samastipur, District- Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Abhay Shankar Singh, Advocate

For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 22-08-2022 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
learned APP for the State.

Petitioner seeks regular bail in connection with Town
Samastipur P.S. Case No. 16 of 2022 registered for the offences
under Sections 498-A, 306/34 of the Indian Penal Code and
Sections 3/4 of the Dowry Prohibition Act.

As per allegation made in the FIR, the informant's
daughter was harassed by this petitioner and his family
members for the repeated demand of cash and gold chain and
finally the said victim committed suicide.

The main submissions advanced by learned counsel
Mr. Abhay Shankar Singh appearing for the petitioner are that
the petitioner is an unfortunate husband of the deceased having
no role in the unnatural death of his wife, in fact this petitioner



and the deceased were previously married to different persons and at the time of solemnizing their marriage both of them were having one child from their previous marriage and the main issue between the petitioner and his wife was the son of this petitioner born out of his first wife, who is presently aged about 5 years and petitioner's son was not accepted by the deceased and due to said reason the petitioner's wife committed suicide as she was not happy with the petitioner's son who belongs to his first wife. Further submission is that the petitioner has got clean antecedent and just after the death of the deceased he himself informed the police as well as the informant about the death of the deceased and on the next day of the alleged incident he was arrested and the dead body of the deceased was sent for postmortem examination and after the death of his wife the conduct of the petitioner relating to the period just after the alleged incident shows his bonafide intention. The allegation made in the FIR with regard to torture by this petitioner and his family members for the demand of dowry is completely false and the actual dispute between this petitioner and deceased was due to the son of the petitioner. Further submission is that in the FIR the informant himself revealed that the deceased committed suicide and after the investigation the police concluded the



incident as being a dowry death and submitted charge-sheet under Section 304-B of IPC against the petitioner.

Learned APP Mr. Pradeep Narain Kumar appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR. The informant who is father of the deceased has initially alleged the death of his daughter having been caused due to suicide and any specific act or role of this petitioner in committing the alleged cruelty with the deceased has not been alleged by him and the petitioner has got no criminal antecedent and his conduct relating to the period just afterwards of the commission of the alleged occurrence as submitted also goes in favour of his defence as to the victim having committed suicide. Considering these facts as well as above submissions a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in Connection with Town Samastipur P.S. Case No. 16 of 2022.

(Shailendra Singh, J.)

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