

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39450 of 2021

Arising Out of PS. Case No.-27 Year-2020 Thana- SIGAUDI District- Patna

SONU KUMAR Son of Baleshwar Prasad Resident of Gram- Chakmahawali,
P.S.- Dhanarua, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	M/s Ajay Kumar Thakur Shivam, Advocates
For the State	:	Mr. Umesh Lal Verma, APP
For the Informant	:	Mr. Sunil Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 08-02-2022 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under section 304B and 34 of the Indian Penal Code.

As per the prosecution case, the daughter of the informant was married to the petitioner in the year 2016. The informant states that he had given 3.14 kathas of land in his daughter's marriage. The seven named accused persons including the petitioner herein who happens to be the husband of the daughter of the informant were regularly torturing the informant's daughter for non-fulfillment of the demand of Rs. 10 lacs and a motorcycle. The informant's daughter stays with



her Mausi (mother's sister) and use to go to Kinjar to learn stitching. The petitioner, the brother-in-law Shashi Kumar, Rakesh Kumar and Vikash Kumar used to talk on mobile phone. On 12.2.2020 in the morning, Rakesh Kumar, sister Mira Kumari and sister's son Prince Kumar talked on mobile phone and she was called to Kinjar. In the evening, on her not returning search started. On 13.2.2020 it transpired that the informant's daughter has been killed and her body thrown in Bela Khanda. The informant states that the accused persons killed his daughter for dowry.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case only for the reason that he happens to be the husband of the deceased. The allegations are false and concocted. Learned counsel has taken the Court through the material that has transpired in course of investigation to submit that the daughter of the informant was living with her Mausi for the last six months and was not in contact with her husband. She was murdered while she was living at her Mausi's place and was in contact with her Nandosi (husband's sister's husband) Shashi Kumar who has been enlarged on anticipatory bail by this Court. No case under section 304B of the Indian Penal Code is made



out. The petitioner is in custody since 17.11.2020 and has no criminal antecedent. Chargesheet has been submitted in the case.

The application for bail is opposed by learned APP for the State who submits that the petitioner is the husband of the deceased. There is direct allegation against him that he along with other accused persons tortured the daughter of the informant for demand of dowry to the tune of Rs. 10 lacs and a motorcycle. It has further been stated that 3.14 kathas of land was given by the informant in the marriage which took place in the year 2016 and just about 4 years after the marriage, the informant's daughter was killed. It is submitted that even in course of investigation it has transpired that the location of the petitioner's mobile was close by and on investigation the case has been found to be true under section 304B of the Indian Penal Code.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the allegations in the FIR, the material that has transpired in course of investigation and the petitioner being the husband of the deceased, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.



Liberty is granted to the petitioner to renew his prayer
for bail after framing of charge.

(Partha Sarthy, J)

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