

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42628 of 2021

Arising Out of PS. Case No.-148 Year-2020 Thana- MADHAURAH District- Saran

RAM VINAY SINGH S/O LATE RADHEY CHARAN SINGH R/O
VILLAGE-BAHURAPATTI, P.S-MADHAWRAH, DISTRICT-SARAN,
BIHAR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nishant Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Raj Kishore Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 29-01-2022 Heard the parties through video conferencing.

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

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

The petitioner, who is in custody since 09.04.2021,
seeks regular bail in connection with Madhawrah P.S. Case No.
148 of 2020, for the offence punishable under Section
304(B)/34 of the Indian Penal Code.

The prosecution case, in brief, is that the marriage
of daughter of informant was performed with Tanmay Singh
(Son of petitioner) and soon after the marriage, his daughter has
been harassed by her husband and other in-laws and ultimately
they murdered her daughter and fled away from their house.



Learned counsel appearing on behalf of the petitioner submits that the daughter of informant was suffering from mental depression due to the fact that her husband is suffering from HIV positive and because of the said diagnosis in the year 2020, she committed suicide as such no case under Section 304B/34 is attracted against the petitioner. He further submits that petitioner is father-in-law of the deceased, who is aged about 70 years. He further submits that husband and mother-in-law of deceased have already been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated 07.12.2021 passed in Criminal Miscellaneous No. 7950 of 2021 as such he may be enlarged on bail.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the above mentioned facts and circumstances of the case, prima facie from the Postmortem report, it appears that cause of death is due to asphyxia resulting from hanging, there is no mark of any wound on the body of the deceased as well as mental status of the deceased was not sound and the fact that husband of the deceased is suffering from HIV positive because of which the deceased had been suffering from depression as also considering the age of the petitioner,



who is aged about 70 years and the fact that the husband and mother-in-law of the deceased have been enlarged on bail, the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran, Chapra in connection with Madhawrah P.S. Case No. 148 of 2020, subject to the following conditions:-

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

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

(3) 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.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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