

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46694 of 2021

Arising Out of PS. Case No.-601 Year-2020 Thana- BEGUSARAI TOWN District- Begusarai

Manish Bhaiya, Son of Ram Badan Singh, Resident of Mohalla- Pokharia
Ward no.39, P.S.- Town, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Harsh Anuj, Advocate
For the Opposite Party/s	:	Mr. Bal Mukund Prasad Sinha, APP
For the Informant	:	Mr. Krishnadeo Raj, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 06-07-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Harsh Anuj, learned counsel for the petitioner, Mr. Krishnadeo Raj, learned counsel for the informant and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Town P.S. Case No. 601 of 2020 registered for the offences punishable under Sections 498(A), 323, 304(B), 302, 120(B)/34 of the Indian Penal Code.

As per prosecution case, it is alleged that the marriage of the younger daughter of the informant was solemnized with the petitioner five years ago. It is further alleged that just after the marriage, his daughter was subjected



to torture, due to non-fulfillment of demand of Rs.5,00,000/- and a Motorcar and due to constant torture of the accused persons she came back to her Naihar, but all of a sudden the petitioner came to his house on 30.10.2020 and took the deceased with him on the assurance that he will keep her happily. On 31.10.2020, the informant received an information that her daughter was done to death by the petitioner and his other family members.

It is submitted by the learned counsel appearing on behalf of the petitioner that there is no specific allegation against any of the accused persons and the petitioner only being the husband of the deceased has been specifically implicated and rotting in jail. It is further submitted that it is a case of suicide and only because of some trifling matter, the deceased hanged herself and committed suicide and this fact is also fortified from the materials, which has come during the course of investigation that the lock of the door was found to be opened from inside. It is next submitted that the conduct of the petitioner is also to be appreciated for the simple reason that just after the birth of a baby child LIC policy has been opened in her name, inasmuch as an account was also running in the name of the deceased and sufficient money was regularly transferred in



the account of the deceased. It is lastly submitted that the petitioner is in custody since 01.11.2020 having clean antecedent, as he was arrested from his house and had he been involved in the present crime he would have certainly fled away from his house. It is also submitted that even during the course of investigation several witnesses have stated that he was found present in the house and the F.I.R. has been instituted by exaggerating and making a concocted story. It is lastly submitted that from the inquest report, it appears that only ligature mark has been found on the neck of the deceased, which can only be found in case of suicide by hanging.

On the other hand, learned counsel for the informant vehemently opposes the bail application and submits that from the F.I.R. it is evident that the deceased was taken to her Sasural on 30.10.2020 and just on the next day i.e. 31.10.2020 she was done to death by the petitioner and his family members. He also submits that the post-mortem was done and cause of death was shown to be asphyxia due to throttling.

Learned APP for the State also opposes the bail application and drawn the attention of this Court towards the post-mortem report from which it is evident that certain bruise marks have been found over the body of the deceased, inasmuch



as it is also submitted that during the course of investigation no rope or any article has been found from the place of occurrence, which suggest that it is not a case of suicide, rather the post-morte report clearly suggests that she was strangled and done to death by the accused persons.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that from the materials available on record it appears that the death was occurred within seven years of the marriage, other than the normal circumstance and soon before the death she was subjected to torture inasmuch as the post-mortem report also suggests that the deceased was strangled, apart from the fact other marks of violence have also been found on the dead body of the deceased and as such this Court is not persuaded to enlarge the petitioner on bail, for the present. Accordingly, the prayer for grant of bail of the petitioner is rejected.

However, the learned trial court is directed to expedite the trial and take all necessary steps to conclude the same at the earliest.

(Harish Kumar, J)

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