

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56097 of 2021**

Arising Out of PS. Case No.-289 Year-2020 Thana- LAUKAHA District- Madhubani

Nitish Kumar Kamat @ Nitish Kumar @ Nitish Kamat S/o Binod Kamat R/o
Village-Lalmaniya, P.S- Laukaha (Lalmaniya), District-Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hriday Narayan Harshit, Advocate.

For the Opposite Party/s : Mr. Rajendra Prasad Nath, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

3 17-05-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard H. N. Harshit, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of regular bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Laukaha (Lalmaniya) P. S. Case No. 289 of 2020 registered for the offences punishable under Sections 302, 304 (B), 120 (B) read with Section 34 of the Indian Penal Code.

As per the prosecution case, it is alleged that the grand-daughter of the informant, namely, Anila Kumari



(deceased) got married with this petitioner. After a month of her marriage the deceased was being tortured by the accused persons including this petitioner and due to non-fulfilment of demand of dowry, she was subjected to assault and torture. On 07.10.2020 all the accused persons badly assaulted her which resulted into her death.

Learned counsel appearing on behalf of the petitioner submits that the petitioner and the deceased had a love affair and both of them had solemnized marriage, which was protested by the family members of the deceased. However, after solemnization of the marriage the petitioner brought her (deceased wife) to his house and thereafter, they started living happily. It is also submitted that during the course of investigation, the statement of the independent witnesses have been recorded by the Police, who have categorically stated that both the petitioner and his wife were living happily and there had never been any allegation of torture or demand of dowry, in fact, when the petitioner had solemnized marriage with the deceased, the family members of the deceased had brutally assaulted her due to which her condition started deteriorating and on the alleged date of occurrence the petitioner and his mother had taken the deceased to the hospital where she died.



On the other hand, learned APP for the State opposes the bail application and draws attention of this Court towards the post mortem report, which suggest that the deceased had received multiple injuries over her body showing that she was subjected to brutally assault and torture. It is further submitted that during the course of investigation, some of the witnesses have stated in paragraph nos. 18 and 19 that though they were living happily but on the alleged date of occurrence, she was assaulted by the petitioner and his family members which resulted into her death.

Having considered the submissions made on behalf of the parties and taking into account the fact that the post mortem report suggests multiple injuries, which have not been explained by the petitioner as to how she received all these injuries, while she was residing in the house of the petitioner and the petitioner happens to be husband of the deceased, he is under obligation in law to explain how she received all these injuries and moreover, there had never been any complaint with regard to the earlier assault made by the family members of the deceased.

In view of the accusation made against the petitioner and the materials brought on record by way of post



mortem report, this Court is not persuaded to enlarge the petitioner on bail for present. However, the petitioner will be at liberty to renew his prayer for bail after six months, if the trial is not concluded.

(Harish Kumar, J)

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