

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54435 of 2021**

Arising Out of PS. Case No.-182 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

Anurag Vaibhaw @ Rahul @ Anurag Gaurav, Son of Mr. Pawan Kumar Singh
@ Pawan Singh, R/O Village- Jamalpur, P.S.- Sadar Hajipur, Dist.- Vaishali
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Ms. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Rajendra Prasad Nat, APP
For the Informant	:	Mr. Binod Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 06-05-2022 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 learned counsel for the petitioner and learned APP for the State as well as learned counsel for the Informant.

The petitioner, who happens to be the husband of the deceased, seeks regular bail, is in custody in connection with Sadar P.S. Case No. 182 of 2020 for the offences punishable under Sections 304(B)/34 of the Indian Penal Code.

As per prosecution case, it is alleged that the marriage of the daughter of the informant was solemnized with this petitioner (Anurag Vaibhaw @ Rahul @ Anurag Gaurav) on 15.05.2019. His daughter always used to complain that her husband and in-laws tortured her for dowry. The informant



further alleged that on 11.03.2020 he received a call that his daughter is not well and asked him to come. When he reached to his daughter's Sasural, he found his daughter lying dead and her matrimonial house members had fled away and there was a ligature mark on the neck of his daughter.

It is submitted on behalf of the learned counsel for the petitioner that from bare perusal of the F.I.R., it appears that there is interpolation and the name of this petitioner has been subsequently added. It is also submitted that from the F.I.R. it is evident that specific allegation has been levelled against the father-in-law, mother-in-law and brother-in-law of the deceased, however, no specific allegation has been levelled against this petitioner. Further, general and omnibus allegation of demand of dowry has been levelled, but it has not been stated as to what demand was being made at the hands of the accused persons and even in the further statement of the informant, there is no allegation of any torture against this petitioner. It is next submitted that during the course of investigation it has come that on the alleged date of occurrence, the independent witnesses have stated that all of a sudden a hulla was raised that daughter-in-law of Pawan Kumar Singh has committed suicide by hanging. Learned counsel for the petitioner also submitted that in fact prior to the alleged date of occurrence, the petitioner



has been working at Shah Exports Company at Umbergaon, District Balsar in the State of Gujarat and in support of his submission a certificate duly issued by the employer is attached as Annexure-2 to this application. It is next submitted that also from the CDR of the mobile of the petitioner it would be evident that on the relevant date and time he was present at the place of his working in the State of Gujarat. Lastly, the attention of this Court has been drawn to the post-mortem report, which will go to show that except a ligature mark, no any external injury was found over the body of the deceased and the doctor opined that the cause of death is Asphyxia, due to hanging. Lastly, it has been submitted that the petitioner himself surrendered in the court on 04.02.2021 and since then he is in custody having fair antecedent. Learned counsel for the petitioner submits that the investigation has already been concluded and charge-sheet has also been submitted in this case.

On the other hand, Mr. Binod Kumar Sinha, learned counsel for the informant vehemently opposes the bail application and submits that there is specific allegation against this petitioner and the deceased was subjected to assault and torture for demand of dowry at the hands of this petitioner and other family members. It is also submitted that the post-mortem report also suggest that the deceased was hanged by all the



accused persons. He next submits that the petitioner being the husband of the deceased does not deserve to be enlarged on bail.

Learned APP for the State also opposes the bail application of this petitioner and submits that during the course of investigation the witnesses have supported the prosecution case.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that prima facie it appears to this Court that the name of the petitioner, as husband of the deceased, has been interpolated in the F.I.R. and even in the middle of the F.I.R. where specific allegation has been levelled against other accused persons, the name of the petitioner did not find place. The post-mortem report also suggests that the deceased was not subjected to any assault or physical torture, as there was no external injury found over the body of the deceased and moreover the Doctor has also opined that it was a case of Asphyxia due to hanging. Further the certificate issued by the employer of the petitioner also strengthen the case of the petitioner that he was not present on the date and time of occurrence, apart from the fact that this petitioner is in custody since 04.02.2021 and the investigation has already been concluded and charge-sheet has also been submitted in this case and there is no allegation of tampering



with the evidence and intimidating the witnesses, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Sadar P.S. Case No.182 of 2020 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial. (ii) He will remain present on each and every date of trial till disposal of the case. (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial. (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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