

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54992 of 2021

Arising Out of PS. Case No.-98 Year-2021 Thana- KHAGAUL District- Patna

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ANJANI KUMAR Son of Shri Sharat Chandra Sharma Resident of Village -
Raj Nagar, Cantt. Road Near Presidency Global School, Danapur, P.S.-
Khagaul, Distt.- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rama Kant Sharma, Sr. Advocate.

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP.

For the Informant : Mr. Ranjeet Kumar Pandey, Advocate.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 31-08-2022 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 Mr. Rama Kant Sharma, learned senior counsel
for the petitioner, Mr. Ranjeet Kumar Pandey, learned counsel
for the informant as well as learned Additional Public
Prosecutor for the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Khagaul P. S. Case No. 98 of 2021
registered for the offences punishable under Sections 304(B)
read with 34 of the Indian Penal Code.

As per the prosecution case, it is alleged that the
marriage of the daughter of the informant was solemnized with
the petitioner on 29.01.2016. It is also alleged that at the time of



the marriage, the informant had given hefty amount in dowry. It is further alleged that after the marriage, they blessed with a son, who is now aged about four years, however, after some times, the accused persons again started demanding dowry and on account of its non-fulfilment, she was subjected to torture. On 14.05.2021, the informant received a telephonic message from her *susral* that his daughter has died and on receipt of the aforesaid information, the informant along with his family members rushed to the *susral* of his daughter and found her daughter's dead body in a room lying on a bed. The informant alleged that his daughter was done to death by all the accused persons.

Learned senior counsel appearing on behalf of the petitioner submitted that prima facie from the F.I.R., it is evident that just after the occurrence, the information was given to the family members of the deceased and thereupon, the police came and inquest report has been prepared and after lodging of the F.I.R. the post mortem of the dead body was done, however, in course of post mortem no external injuries have been found, save and except a ligature mark on the neck of the deceased. Learned senior counsel for the petitioner also draws the attention of this court towards the statement of the mother and



brother of the victim wherein they have stated that on account of demand of Rs. 25 lakhs, she was subjected to mental torture and on account of this reason, she has committed suicide. It is next submitted that during the course of investigation, the Investigating Officer and S.D.P.O. of the case has made recommendation that it is a case of suicide, however, on the dictate of the Superintendent of Police, the charge sheet has been submitted under Section 304(B) of the Indian Penal Code in a mechanical manner. During the course of investigation it has also come that the deceased has committed suicide and having heard *hulla*, the petitioner came there and he brought the dead body on bed and thereafter, the information has been given to her family members. It is lastly submitted that the petitioner having fair antecedent, is in custody since 14.05.2021 and moreover, the charge sheet has been submitted and as such, there is no chance of intimidating the witnesses.

On the other hand, learned counsel for the informant opposes the bail application and submits that from the F.I.R., it is evident that specific allegation has been levelled against this petitioner that the victim was subjected to torture at the hands of this petitioner and the petitioner being husband of the deceased has played active role and the allegation of torture



is also corroborate from the fact that the victim remained in her *maika* for three years and thereafter, the petitioner went to her *maika* and brought the victim to her *susral*. It is also submitted that all the witnesses have categorically supported the prosecution case that on account of non-fulfilment of demand, this occurrence took place and moreover, the death has taken place within seven years of marriage in an unnatural circumstances and just prior to the occurrence, the demand of dowry was made.

Learned APP for the State also opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into account the nature of allegation as well as materials available on record, this court is not persuaded to enlarge the petitioner on bail for present. However, the petitioner is at liberty to renew his prayer after framing of charge.

In view of the aforesaid observation, the present application stands disposed of.

(Harish Kumar, J)

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