

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56271 of 2021

Arising Out of PS. Case No.-586 Year-2020 Thana- KANKARBAG District- Patna

RAKESH KUMAR @ RAKESH PODDAR Son of Late Shashi Bhushan Lal
Resident of Muhalla- Ashok Nagar, Road No.11, Kutti, M. D. Bhawan, P.S.-
Kankarbagh, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C.Verma, Sr. Advocate Mr. Anuj Kumar, Adv. Mr. Madhav Raj, Adv. Ms. Priyanka Singh, Adv.
For the State	:	Dr. Ajeet Kumar, APP
For the Informant	:	Mr. Sabal Kumar Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 09-05-2022 Heard learned senior counsel for the petitioner,

learned A.P.P. for the State and learned counsel for the

informant.

The petitioner has preferred this application for grant
of regular bail in a case registered under sections 304B, 201 and
34 of the Indian Penal Code.

As per the prosecution case, it is stated by the
informant that his daughter was married to the petitioner herein.
She was regularly tortured for non-fulfillment of demand of
dowry. She was assaulted and abused. On 15.8.2020,
information was received on telephone that his daughter and
five year old daughter's son had died as a result of falling down.



Before the informant could reach his daughter's place, the accused persons disposed of the dead body.

It is submitted by learned senior counsel for the petitioner that the petitioner has been falsely implicated in the case. From the F.I.R. itself, it would transpire that information was given by the petitioner's sister on telephone about the accidental falling down of the daughter of the informant along with her son. Referring to the material that has transpired in course of investigation, it is submitted that it was an accidental fall from a four storeyed building which was heard by the neighbours whose statements have been recorded in course of investigation. Unfortunately the child of the petitioner also died in the accident. The petitioner is in custody since 18.8.2020.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. Learned counsel for the informant submits that there is direct allegation against the petitioner, who happens to be the husband of deceased, of demand of dowry and physical and mental torture. It is further submitted that in course of investigation, the independent witnesses have supported the case of fight between the petitioner and his wife. It is lastly submitted that if it was really a case of accidental fall as it has been made out by



learned senior counsel for the petitioner, the petitioner would have proceeded to inform the police of unnatural death and for conducting post-mortem examination.

Having heard learned counsel for the parties and taking into consideration the allegation made in the F.I.R. together with the material that has transpired in course of investigation including the statement of the independent witnesses stating about the fight between the petitioner and the deceased specially neither any information having been given to the police nor any post-mortem examination having been conducted, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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