

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57436 of 2021

Arising Out of PS. Case No.-190 Year-2020 Thana- BAHERA District- Darbhanga

RATNAKAR SINGH S/o- SUDHIR SINGH Resident of Village- Nanda
Patti, P.S.- Bahera, Distt- Darbhaga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 19-09-2022 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. Surendra Kumar Singh, learned counsel for the petitioner 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 Bahera P. S. Case No. 190 of 2020 registered for the offences punishable under Sections 304 (B) and 201 read with 34 of the Indian Penal Code.

As per the prosecution case, it is alleged that the marriage of the sister of the informant was solemnized with the petitioner one year ago, however, soon after the marriage the victim was subjected to torture for demand of dowry and on



account of non-fulfilment of the same, she was tortured in various ways. It is also alleged that on 08.06.2020 in the morning, the informant received a phone call from the petitioner, who informed him that his sister is ill and they are taking her to DMCH, Darbhanga for treatment. Upon the receipt of the information, when the informant reached to the *susral* of her sister, he came to know that she was killed by all the accused persons and thereupon, information has been given to the concerned police station and later on, half burnt dead body was seized.

Learned counsel appearing on behalf of the petitioner submitted that though, the marriage was solemnized just one year ago from the alleged occurrence but there has never been any complaint with regard to demand of dowry. It is also submitted that the petitioner for his livelihood used to remain in Delhi, however, due to lock-down the petitioner left his job and came to his village. It is further submitted that from the F.I.R., it would be evident that the family members of the deceased was informed by the petitioner that she was being taken to DMCH, Darbhanga, for her treatment in the meantime, she died. During the course of investigation, the statement of the independent witnesses have been recorded in paragraph no. 18 to 22 and all of them categorically stated that it is a case of suicide as the deceased was not happy with the petitioner and others as she wanted to live



along with her husband in Delhi expecting a luxurious life but due to unemployment of the petitioner, she was shattered. It is also submitted that after completion of the investigation, charge sheet has been submitted way back on 12.08.2020 and so far the petitioner is concerned, he is in custody since 17.06.2020 and moreover, two years have been lapsed but till date even the charges have not been framed. Learned counsel for the petitioner also draws the attention of this court towards the post mortem report, which suggests that no internal and external injury have been found and as such, the viscera has been sent for chemical examination to the Forensic Science Laboratory.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner happens to be husband of the deceased and the death has taken place in an unnatural circumstances in the house of the petitioner within one and a half years of the marriage.

Regard being had to the submissions made on behalf of the parties and taking into account the materials collected during the course of investigation, especially the statement of the independent witnesses, who have not supported the prosecution case and categorically stated that it might be a case of suicide, apart from the period of incarceration and the fact that till date the charges have not been framed and the petitioner having fair



antecedent, let the petitioner, above named, 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 Additional Chief Judicial Magistrate, Benipur, Darbhanga in connection with Bahera P. S. Case No. 190 of 2020, subject to the condition that one of the bailors will be the close relative 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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