

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.63112 of 2021**

Arising Out of PS. Case No.-231 Year-2021 Thana- KHAJEKALA District- Patna

NISIKANT KUMAR Son of Late Nand Kishore Prasad Resident of Mohalla-  
Mugalpura, near Chowki, P.O.- Patna City, P.S.- Khajekala, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                           |
|--------------------------|---|-----------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Y.V. Giri, Sr. Advocate<br>Mr. Pranav Kumar, Advocate |
| For the Opposite Party/s | : | Mr. Arun Kumar, A.P.P.                                    |

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA  
ORAL ORDER**

2      25-03-2022                      Heard learned Senior Counsel for the petitioner and  
learned A.P.P. for the State.

Let the defect(s), if any, be removed within a period  
of four weeks after complete start of the physical Court.

The petitioner seeks bail in a case registered for the  
offences punishable under Sections 498(A) and 304(B)/34 of the  
Indian Penal Code.

Learned Senior Counsel for the petitioner submits that  
the petitioner is in custody since 11.08.2021, is a person with  
clean antecedent and charge-sheet has been submitted.

It is alleged that the sister (deceased) of the informant  
was married to the petitioner in the year 2016. After five months  
of marriage, petitioner asked the informant to take away his  
sister from his house. It is alleged that the deceased used to



inform her family that mother-in-law and sister-in-law were demanding a car, a house and Rs.5,00,000/- in cash. It is further alleged that one night, sister of the informant called her mother and said that she does not want to live in the house of matrimonial home. Thereafter, she lived with the informant for two years and gave birth a girl child in Sadar Hospital. It is further alleged that the deceased was brought back to the matrimonial home by her mother-in-law and her Nanad amicably. Further, on 09.08.2021, in between 11-12 p.m. sister of the informant called her mother and father and asked them to take away as she is even willing to leave her children back. It is also alleged that on the next day petitioner called the informant's father and informed him that deceased is not opening the door. It is lastly alleged that when the informant and his family reached at the place of occurrence, they found that the body of the sister was hanging from the ceiling.

Learned Senior Counsel for the petitioner submits that from bare perusal of the allegation, as alleged in the FIR, it would manifest that there is no allegation of dowry demand, rather the informant alleges that it was the mother-in-law and sister-in-law of the deceased who used to torture her for dowry. Learned Senior Counsel further submits that a suicide note was



recovered from the room of the deceased where the body was hanging which has been annexed as Annexure-2 to the bail application. Learner Senior Counsel draws the attention of the Court to the suicide note and submits that the deceased had shown her frustration against her mother-in-law and sister-in-law and was aggrieved by the petitioner because he does not favour the deceased. Further, the deceased stated that the husband will take care of the children and will not marry and she does not want a case to be instituted against anyone. Learned Senior Counsel, thus, submits that from perusal of the suicide note, it would manifest that the deceased was aggrieved by the conduct of the mother-in-law and sister-in-law and does not caste any aspersion on the petitioner, except to the fact that he was not favouring the deceased. Learned Senior Counsel also submits that the mother of the petitioner is 78 years old and sister of the petitioner is married and she lives separately and the petitioner has two children to look after and out of two, one child is mentally disabled, thus, submitted that in the nature of allegation i.e. FIR does not even remotely suggest about the demand of dowry by the petitioner and police has submitted charge-sheet under Section 306 of the Indian Penal Code and the petitioner has to look after his two children, hence, the



petitioner deserves to be considered sympathetically.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody, is a person with clean antecedent and charge-sheet has been submitted and taking into consideration the suicide note of the deceased and also taking into consideration the submissions made by the learned Senior Counsel for the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Khajekala P.S. Case No. 231 of 2021.

**(Satyavrat Verma, J)**

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