

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64074 of 2021

Arising Out of PS. Case No.-326 Year-2021 Thana- BAGHA District- West Champaran

Ranjan Kushwaha @ Bhulai Kushwaha, Son of Mahanth Kushwaha, Resident
of village - Kharpokhra, P.s.- Bagaha, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 24-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Bagaha P.S. Case No. 326 of 2021 registered for the alleged offences under Section 304B/34 of the Indian Penal Code.

As per the prosecution case, the daughter of the informant was married to this petitioner and they had two sons from this wedlock. However, on account of demand of dowry, the daughter of the informant was tortured and she was killed within 7 years of her marriage by the petitioner and other co-



accused persons.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case merely on the basis of the suspicion by the informant. During investigation, no witness has come forward to allege anything against this petitioner that he ever demanded dowry or murdered his wife or even committed any torture. There is no specific allegation against this petitioner or against any of the accused persons for demand of dowry or torture. The deceased was a short tempered lady and informant was called by the petitioner to put sense to her. She became furious on being scolded by the informant and she committed suicide but the instant case has been lodged by the informant in order to extort money. The dead body was not concealed or disposed of and the post mortem was conducted which shows the petitioner has nothing to hide. Except for suspicion of the informant, there is no substantive material existing against this petitioner. The petitioner is in custody since 28.06.2021 and charge-sheet has also been submitted in this case.

Learned APP for the state opposes the prayer for bail submitting that the petitioner is the husband and death has taken place in his house and he was duty bound to explain the death.



However, learned APP submits that the post mortem report shows cause of death to asphyxia due to hanging and that the witnesses have stated about the accused picking quarrel with the petitioner due to her suspicion over extra marital affair of the petitioner.

Perused the records.

Having regard to the submissions made on behalf of the parties and also considering the post mortem report which indicates towards probability of suicide and also considering the statement of witnesses recorded during investigation mentioning regular altercation between the petitioner and the deceased on account of suspicion of the deceased over relationship outside marriage of her husband and further considering the period of custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st, Bagaha, West Champaran in connection with Bagaha P.S. Case No. 326 of 2021 and Special Excise Act No. 4 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be Sanjay Kumar



Kushwaha, cousin of the petitioner, who has sworn the affidavit in this case.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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