

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64038 of 2021

Arising Out of PS. Case No.-25 Year-2021 Thana- THARTHARI District- Nalanda

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Rajnish Kumar, Son Of Vasudev Thakur R/O Road No. 8a, Ashok Nagar,
Kankarbagh, Changar, P.O. And P.S. Kankarbagh, District- Patna-800020

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Avinash Shekhar

For the Opposite Party/s : Mr. Braj Kishore Pd.(APP)

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-07-2022 Heard learned counsel for the petitioner, learned APP

for the State and no one appears on behalf of the complainant on

repeated calls.

The petitioner seeks bail in anticipation of his arrest in

a case registered for the offences punishable under Sections

498(A), 304(B), 201 and 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the

petitioner is a person with clean antecedent and the complainant

alleges that his daughter was married with the petitioner on

02.02.2017 and at the time of marriage, gifts were given as

details in the F.I.R. Thereafter, it is alleged that after marriage,

his daughter was living peacefully, but when he sent his son

Chandan for bringing her daughter back, then the petitioner



along with other family members started demanding Rs. Two lacs and a motorcycle as dowry and said, until the demand is not fulfilled, they will not send the daughter with his brother. It is next alleged that on coming to know about the said fact, the complainant himself went to the house of the petitioner where the same demand was again raised and the complainant was abused and tortured. Thereafter, it is alleged that on request of the complainant, the petitioner sent his daughter with him. It is next alleged that for one year, no one came to take back his daughter to her matrimonial home. Thereafter, the complainant in 2019 gave Rs.80,000/- for a motorcycle and also took his daughter along with him. It is next alleged that in year 2020, the petitioner along with his family members assaulted his daughter and ousted her from her matrimonial home and since then, she was staying with the informant. Thereafter, in the month of Kartik, 2020, the petitioner took the deceased back to her matrimonial home with a threatening that if the demand of Rs. One lac is not fulfilled within next 15 days, the complainant will not find his daughter alive. It is next alleged that when the complainant went to his daughter's house, he came to know from nearby people that the daughter has been killed and her body has been cremated.



The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is next submitted that the allegation as alleged in the complaint, also is not coherent rather the allegations are general and omnibus in nature. It is next submitted that the deceased went to her father's home in the month of Kartik, 2020 where she fell ill and her condition was deteriorating. Accordingly, the petitioner along with the complainant brought the deceased to the N.M.C.H. hospital on 15.12.2020 where she was under treatment, but unfortunately could not survive and died on 18.12.2020 at around 10.15 A.M. in the morning. The learned counsel submits that the said fact that she was treated in the hospital and died during the course of treatment manifest from the dead body carrying certificate dated 18.12.2020 and the death certificate dated 02.01.2021 (Annexure-2 series to the anticipatory bail application).

The learned counsel submits that this fact also transpired during the course of investigation and stands recorded in the case diary. The learned counsel next submits that if what has been alleged is true, then definitely if any untowards occurrence would have taken place leading to death of the deceased, then definitely the N.M.C.H. would have informed



the police, but the fact that the deceased was treated at N.M.C.H. and died during the course of treatment and thereafter, her body was released and subsequently, the death certificate was also issued which form part of the investigation has recorded in the case diary. This amply demonstrates the falsity of the allegation as alleged in the complaint. It is next submitted that the complaint stands falsified for the reason that no date has been given with respect to any occurrence committed rather a vague statement has been made. The learned counsel next submits that complainant was well aware of the fact that his daughter was treated at N.M.C.H. and she died during the course of treatment.

The learned Additional Public Prosecutor opposes the anticipatory bail application and submits that though it has been stated in the anticipatory bail application that dead body carrying certificate and death certificate has been issued by N.M.C.H., but it is difficult to verify in absence of the case diary.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be



released on bail on his furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Tharthari P. S. Case No.25 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

However, the learned Court below before accepting the bail bonds of the petitioner shall verify from the case diary with respect to the fact that whether the dead body carrying certificate and death certificate of the deceased form part of the investigation or not in the case diary, if in the case diary, the details of the dead body carrying certificate and death certificate has been recorded, then the bail bonds shall be accepted and in the event, if it is not recorded in the case diary, then this order will not be effected.

(Satyavrat Verma, J)

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