

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66539 of 2021

Arising Out of PS. Case No.-291 Year-2021 Thana- SAKRA District- Muzaffarpur

Ravi Prakash@Pawan Jaiswal Son Of Ramnath Jaiswal @ Ramnath
Chaudhary Resident Of Village - Donar, P.S.- Town, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mrs. Nivedita Nirvikar, Sr. Adv. Mr. Animesh Kumar, Adv. Ms. Aprajita, Adv. Ms. Richa, Adv.
For the Opposite Party/s :	Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 22-07-2022 Heard learned senior counsel for the petitioner and
learned Additional Public Prosecutor for the State.

Learned counsel for the petitioner undertakes to remove the defects within three weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 341, 323, 306, 498A, 306, 384, 313, 304B, read with Section 34 of the Indian Penal Code and Section 3/4 of the D.P. Act.

Petitioner in association of other named co-accused is said to have killed the sister of the informant over non-fulfillment of demand of dowry.

It is submitted by learned senior counsel for the petitioner that petitioner is innocent and has been falsely



implicated in this case. He submits that the petitioner being the husband of the deceased had very good relation with her, was living happy conjugal life and deceased had never filed any complaint before any competent authority as alleged in the FIR. He submits that due to service condition of the deceased, she wants permanent separate residence at Muzaffarpur which could not be fulfilled by the petitioner. The actual fact is that two times deceased has got pregnancy but unfortunately, she gave premature birth of child, one at Kejriwal Hospital, Muzaffarpur and secondly at Rose the Medicity and IVF Centre, Darbhanga where she was admitted on 04.05.2021. Father and brother of the deceased took her away for her matrimonial house situated at Muzaffarpur where she allegedly committed suicide on 21.05.2021, as per the FIR. Learned senior counsel also submits that petitioner is businessman residing at Darbhanga, while his wife was a government employee working at Katra, Muzaffarpur. She was living permanently at her parental house and no matrimonial discord was present amongst the couple and the FIR was filed solely on the basis of suspicion. There is no direct or indirect evidence in support of the allegation made against the petitioner which constitute the offence punishable under Section 304B of the Indian Penal Code.

By way of supplementary affidavit, learned senior counsel for the petitioner submits that the first baby was estimated



to be born on 27.11.2020 but because of the problems, the ultra-sonography was done on 27.04.2020. From perusal of the report, it transpires on investigation that the deceased was bleeding on 27.04.2020 for which the treatment proceeded and finally, she gave birth to a child in her Maika on 20.08.2020 in the hospital and on the same day, seven months pre-mature child died. Deceased conceived second time and regular treatment was given for which regular ultra-Sonography was also done in Darbhanga which is apparent from Annexure-7 of the supplementary affidavit. However, on 04.05.2021, deceased again developed the same old problem of bleeding and she was admitted to the best hospital of Darbhanga. The observation of the doctor was full dilation. This is called cervical incompetence i.e. cervix is not able to hold the weight or take care of underdeveloped fetus. Accordingly, a deceased fetus made baby was delivered by her on 05.05.2021. This time, the ultra-sonography was not done and the earlier last sonography dated 19.04.2021 was considered which reveals from Annexure-8. Learned senior counsel lastly submits that on the 1st occasion, the consent form is signed by the brother in Muzaffarpur and this would transpire from Annexure-II page-18 of the main petition. Thus, it is prima facie apparent that the deceased was along with the informant when the 1st child died. The deceased was also along with the informant at the time of alleged occurrence as



she hanged herself in the house of the informant.

Learned APP for the State opposes the prayer for bail and submits that the deceased was subjected to cruelty on account of non-fulfillment of demand of dowry.

Considering the fact that the deceased died at her maika and no information was given to the petitioner in this regard and no material has been found against the petitioner in the case diary, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Sakra P.S. Case No. 291 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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