

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67694 of 2021

Arising Out of PS. Case No.-582 Year-2021 Thana- GARKHA District- Saran

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SUNIL RAI SON OF BISHWANATH RAI R/O VILLAGE- MAHAMDA
BATHANI, P.S.- GARKHA, DIST.- SARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anjani Parashar, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-04-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case registered for the offences punishable under Sections 302 and 201 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is in custody since 21.08.2021, is a person with clean antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that the informant alleges that he had married his daughter with the petitioner in the year 2010, further the petitioner for the last few days used to torture and assault his daughter for one reason or the other and on being informed by the deceased, the informant went to the house of the petitioner and requested him to refrain



from indulging in such act. It is further alleged that on 19.08.2021, the informant received information that his daughter is not in the house, accordingly he went to the place of occurrence and searched his daughter but could not find any trace. It is further alleged that on 20.08.2021 in the morning, the informant received information that the dead body of his daughter is lying in rainwater in front of the house of the petitioner, on this information when the informant went there he found the petitioner and his family members absent from the house and the dead body of his daughter was taken out from the rainwater, her tongue was found half out of the mouth and there were signs of injury on various parts of the body, including the neck.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case based on suspicion, the informant is not an eye witness to the occurrence, the marriage was nearly 11 years old and in between these 11 years not a single case ever came to be instituted either by the informant or by the deceased against the petitioner. It is thus submitted that had the petitioner been torturing the deceased then definitely some dispute between the parties may have arisen but the fact that no case in between these 11 years



came to be instituted that in itself shows that the relationship between the parties was cordial.

Learned counsel for the petitioner further submits that though in the F.I.R. it is alleged that the informant saw external injuries on the body of the deceased and her tongue was out of the mouth as such suspected strangulation but from perusal of Annexure 2 i.e. the postmortem report, it clearly records no external injury seen and further the cause of death is recorded as asphyxia due to drowning. Learned counsel submits that it absolutely does not stand to reason that if the petitioner had any intention to kill the deceased then definitely the dead body would not have been thrown at a place near the house of the petitioner. It is further submitted that the entire allegation hinges around suspicion and even the F.I.R. does not even clearly records that as to why the petitioner was torturing the deceased which gives an impression that the present case has been instituted merely because petitioner is the husband of the deceased.

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

Considering the fact that the petitioner is in custody since 21.08.2021, is a person with clean antecedent, charge-



sheet has been submitted in the case, the postmortem report clearly records that no external injury was found on the body of the deceased and the cause of death is recored as asphyxia due to drowning, 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 the learned court below where the case is pending/successor court in connection with Garkha P.S. Case No. 582 of 2021.

(Satyavrat Verma, J)

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