

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71650 of 2021

Arising Out of PS. Case No.-281 Year-2021 Thana- RAMPUR District- Gaya

Abhishek Kashyap, Son of Binda Kumar Singh, Resident of Mohalla-
Lakshmi Nagar, P.S.- Rampur, District- Gaya, Bihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sumeet Kumar Singh, Advocate Mrs. Alka Singh, Advocate
For the Opposite Party/s	:	Dr. Indivar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

6 17-10-2022 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.

In the present case, the petitioner seeks bail in
connection with Rampur P.S. Case No. 281 of 2021 registered
for the alleged offences under Sections 304(B) and 34 of the
Indian Penal Code.

As per prosecution case, the petitioner is the husband
of the deceased daughter of informant. The allegation against
him and other co-accused persons is that of conspiring together
to cause dowry death of daughter of the informant.

The learned counsel for the petitioner submits that



the petitioner is innocent and has been falsely implicated in this case. From the postmortem report of the victim, it is clear that the death has been stated to be the result of asphyxia caused by compression over the neck by ligature. Learned counsel further submits that the daughter of informant committed suicide by hanging herself. She was depressed due to lock-down which was in effect during COVID-19 pandemic as her husband, the petitioner herein, has been removed from his job at Hotel Hilton, Abu Dhabi (U.A.E). Due to the aforesaid facts and the prevailing pandemic, the daughter of the informant committed suicide and no case under Section 304(B) IPC is made out. The allegation of demand of dowry is incorrect as the father of the petitioner has himself filed informatory petition regarding the behaviour of the victim/deceased. The petitioner being the husband has got prepared the Passport of the deceased and was ready to take her to U.A.E to lead a healthy life. Learned counsel further submits that the cases of hanging are usually suicidal and the other facts as mentioned in the post-mortem report also corroborate the death might be due to hanging as the ligature mark was oblique in nature and froth was coming out from her mouth. Furthermore, there were no external injury mark as mentioned in the FIR. The petitioner is in custody since



31.08.2021 and the charge-sheet has been submitted in this case. The petitioner has got clean antecedent. The only child of the couple has been taken by the informant to his house. All other co-accused persons have been granted bail.

Learned APP opposes the prayer for bail submitting that witnesses in paragraphs 6, 17 and 18 of the case diary have supported the prosecution case.

Perused the records.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the cause of death as mentioned in the post-mortem report which shows possibility of suicidal death and also considering the period of custody of the petitioner along with 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 Chief Judicial Magistrate, Gaya in connection with Rampur P.S. Case No. 281 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.



(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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