

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20143 of 2022

Arising Out of PS. Case No.-600 Year-2021 Thana- ARA NAGAR District- Bhojpur

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AVINASH KUMAR @ RAKESH KUMAR Son of Late Rajendra Prasad
Resident of Village - Jamira Road, Dharhara, P.S.- Ara Town, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bikramdeo Singh, Advocate
	:	Mr. Manoj Kumar Singh, Advocate
For the Opposite Party/s	:	Mr.Narendra Kumar Singh, APP
For the informant	:	Mr. Deep Anshuman, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 04-01-2023 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection with
Ara Nagar PS case no. 600 of 2021 instituted for the offences
punishable under Sections 304(B)/34 of the Indian Penal Code and
Section 3/4 of Dowry Prohibition Act.

The allegation is regarding the accused persons
including the petitioner herein who is the husband of the deceased
victim lady, having killed the deceased victim lady on account of
non-fulfilment of the demand for dowry.

The learned counsel for the petitioner submits that
the petitioner is innocent, has been falsely implicated in the present
case, he is having a clean antecedent and is languishing in custody
since 30.08.2021. The learned counsel for the petitioner has referred



to the evidence collected during the course of investigation and has submitted that all the independent witnesses have stated that the victim lady has committed suicide by hanging herself, on account of the fact that she was not happy with her marriage with the petitioner, which was forcibly solemnized by her parents. It is also submitted that the petitioner was arrested while he was at his home, which shows that he did not have any oblique motives in his mind and had therefore, not fled away. It is further submitted that the malice on the part of the prosecution is also apparent from the fact that two children have also been made accused in the present case, aged about 13 years and 10 years.

Per contra, the learned APP for the State and the learned counsel for the informant have vehemently opposed the prayer for bail and have submitted that the complicity of the petitioner in the alleged crime is apparent from the fact that though the marriage had been solemnized on 20.06.2021, however, she was killed, on account of non-fulfilment of the demand for dowry, on 27.08.2021.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the materials available in the case diary, this Court finds that miniscule evidence is available on record to suggest the complicity of the petitioner in the alleged crime and moreover,



statements of several independent witnesses have been recorded by the police during the course of investigation and they have stated that the victim girl had committed suicide on account of her parent having forcibly married her with the petitioner, apart from the fact that the petitioner is having a clean antecedent and is languishing in custody since more than one year, hence, I deem it fit and appropriate to enlarge the petitioner on bail.

Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. Bhojpur at Ara in connection with Ara Nagar PS case no. 600 of 2021.

It is needless to state that the petitioner shall appear before the learned court below on each and every date so fixed and in case of any default, the present privilege of bail being granted to the petitioner herein shall stand cancelled automatically and the petitioner shall be liable to be taken into custody, forthwith.

(Mohit Kumar Shah, J)

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