

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21295 of 2022

Arising Out of PS. Case No.-82 Year-2021 Thana- GANGTA District- Munger

Pranav Kumar @ Pranay Kumar Singh, (male) aged about 41 years, Son of Subhash Chandra Singh R/O Village- Mahimachak, P.S.- Gangta, District- Munger

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. P.K. Shahi, Sr. Adv. with Ms. Priyanka Singh, Adv.
For the State	:	Mr. Pranav Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

9 13-01-2023 This matter has been taken up today for consideration through video conferencing.

Heard learned Senior Counsel for the petitioner and learned Additional Public Prosecutor (*for brevity 'APP'*) for the State.

The petitioner seeks bail in connection with *Gangta PS Case No. 82 of 2021*, registered for the offence punishable under Section. 304B/34 of the Indian Penal Code (*for brevity IPC*).

The First Information Report (*for brevity 'FIR'*) alleges that marriage of the informant's daughter solemnized with the petitioner in the year 2015. It goes on to allege that the informant's daughter was subjected to cruelty because of non-fulfillment of the demand for dowry, including a car. On 28-06-2021, it is alleged that the informant's brother informed her on mobile that her daughter has been killed by her husband along with other in-laws at her matrimonial home, and they have fled away from the house. The informant, thereafter, has arrived at the matrimonial home of her



daughter to find her daughter's charred body lying on the '*verandah*' and the in-laws had fled away.

The Court had earlier requisitioned the case diary, which has been received. The learned State counsel has examined the same and assisted the Court with reference to the materials collected in the course of investigation.

Learned Senior Counsel for the petitioner submits that marriage was solemnized on 29-05-2013. The petitioner's son was born on 24-03-2014, which is evident from copy of the Birth Certificate issued by the Municipal Corporation, Ranchi. The same has been annexed. The death has occurred on 28-06-2021, i.e., more than 7 years after the marriage. He, thus, submits that presumption under Section 304B of the IPC would not arise against the petitioner. It is further submitted that the petitioner has remained in custody since 03-10-2021. The relationship of the petitioner with the victim was a normal matrimonial relationship, which is evident from the fact that there were two children born out of the marriage. It is also submitted that the victim was undergoing treatment for '*psychotic depressive type*' of mental disorder. In support thereof, copies of the prescriptions have been annexed. It is submitted that on the fateful day, the victim was boiling milk when she sustained burn injuries. The story of sprinkling kerosene and subjecting her to burn injuries is not corroborated by the inquest or the postmortem report. There is no finding that there was any smell of burnt kerosene. Scalp also does not contain any burn injuries. The charge-sheet in the matter has been submitted under Section 302 and not 304 B of the IPC. Further it is stated that out of eight, only one witness has been examined till date and the two children of the petitioner require the petitioner's



attention and care as they are living with their old grand parents.

The learned APP appearing on behalf of the State, on the other hand, has opposed the prayer for bail. He submits that as per the prosecution case, the victim died of burn injuries at her matrimonial home, within 07 years of her marriage. The death is preceded by demand(s) for dowry and allegation of cruelty for non-fulfillment of the demand. The petitioner, who is husband, is presumed to have committed the offence, as per law. Otherwise also, he is primarily responsible for the safety, well-being and honor of his wife (victim). The fact of death, due to burn injuries, is corroborated by the inquest as well as the postmortem report.

Having regard to the submissions advanced on behalf of the parties and looking at the nature of allegations, the manner in which the victim has died, this Court, for limited consideration of the plea for bail, is inclined to accept the submissions advanced by learned APP.

This Court, for the present, rejects the bail application, however, with an observation that all endeavour should be made by the learned trial Court to conclude the trial expeditiously and preferably within a period of six months.

(Madhuresh Prasad, J)

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