

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30941 of 2023

Arising Out of PS. Case No.-285 Year-2022 Thana- BIHAR District- Nalanda

NITISH KUMAR s/o RAJENDRA PRASAD Resident of Village- Meghi,
P.S.- Deepnagar, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rudal Singh, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 04-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with G.R. No.
1740/2022 arising out of Bihar P.S. Case No. 285 of 2022
registered for the offence under Section 304(b), 341, 323/34 of
the Indian Penal Code and ³/₄ of Dowry Prohibition Act..

The accused/petitioner is named in the F.I.R. and is in
custody since 18.05.2022.

The allegation against this petitioner is to cause death
of sister of informant due to non-fulfillment of demand of
dowry, as raised for Rs. 5 lacs, where petitioner was living with
deceased sister of informant in a rented house.



Learned counsel appearing on behalf of the petitioner submitted that the petitioner implicated with this case falsely only being husband of the deceased. It is submitted that the wife of petitioner was a short temper lady and out of normal matrimonial discord she committed suicide, this fact appears convincing as petitioner was not found inside the room when the occurrence took place as room found closed from inside. It is further submitted that there is no allegation as to cause physical assault soon before the occurrence. While concluding the argument, it has been submitted that investigation of this case is completed, for which charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel Mr. Sudhir Kumar Raj appearing on behalf of informant, while opposing the prayer of bail submitted that during the course of investigation and even as per the face of F.I.R., it appears that the occurrence took place inside house, where only petitioner and deceased were living as a tenant without any other family members. It is submitted that as per para 76 of the case diary, it appears that a quarrel was taken place between the deceased sister of informant and this petitioner on the date of occurrence and subsequently she was killed by this petitioner. It is



submitted that this fact further gets corroboration from the postmortem report of the deceased, where cause of death is mentioned as “**Asphyxia due to strangulation**”. Learned APP submitted that the postmortem report completely negate the argument of learned counsel appearing on behalf of petitioner that deceased committed suicide.

Considering the facts and circumstances as mentioned above, as cause of death appears as “Asphyxia due to strangulation” negating suicide, where petitioner is the husband, this Court is not inclined to grant privilege of bail to the petitioner, at present.

Accordingly, the prayer for bail of the petitioner is rejected herewith.

Learned Trial Court is directed to conclude the trial, preferably, within a period of 09 (nine) months from the date of receipt of the copy of this order, by taking this matter on board, on day-to-day basis, failing which petitioner may renew his prayer of bail, if so advised.

(Chandra Shekhar Jha, J)

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