

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34876 of 2023

Arising Out of PS. Case No.-109 Year-2022 Thana- KHAGAUL District- Patna

RAHUL KUMAR TRIPATHI Son of Vimal Kumar Tripathi RESIDENT OF
QUARTER NO- A-5 MUNDESHWARI CRESCENT APARTMENT PS
KHAGAUL PATNA AT PRESENT QUARTER NO. B/15, I.G.I.M.S
CAMPUS, SHEIKHPURA, PATNA, PS- SHASTRINAGAR, DISTT-
PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vishwajeet Kumar Mishra, Advocate
For the Opposite Party/s	:	Mr. Anuj Kumar Shrivastava, APP
For the Informant	:	Mr. Kumar Mrityunjay, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-06-2023 Heard learned counsel appearing on behalf of the
parties.

The petitioner seeks bail in connection with Khagaul
P.S. Case No. 109 of 2022 registered for the offence under
Sections 304B/34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 28.03.2023.

The allegation against the petitioner is to cause death
of daughter of informant, along with other co-accused
persons/family members, due to non-fulfillment of demand of
dowry, as raised for one Swift Desire Car.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner implicated with present case falsely, for the only reason that he is husband of the deceased wife. It is submitted that being a sort tempered lady, the deceased wife committed suicide out of normal matrimonial discord. It is pointed out by learned counsel that from perusal of the postmortem report, it appears that no external marks of injury were noticed upon the body of deceased, even in FSL report, no poisonous substance deducted, from viscera of deceased, strengthening the death suicidal. It is submitted that during course of investigation, nothing surfaced against this petitioner, which may suggest that the act of petitioner is so direct and active, which may forced his wife to commit suicide without leaving no other option and in support of submission, learned counsel relied upon the report of Hon'ble Supreme Court of India, as reported in the matter of ***Gurcharan Singh Vs. State of Punjab***, reported in ***2016 SCC Online SC 1415***. While concluding the argument, it is 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 appearing on behalf of the informant, while opposing the prayer



of bail, submitted that allegation of demand of dowry is specific against this petitioner, as raised through present FIR. It is submitted that occurrence took place within four walls of the house of this petitioner.

Considering the facts and circumstances as mentioned above and by taking note of fact as death is suicidal in nature, where, nothing appears to surfaced, during course of investigation, on its face, which may suggest that act of petitioner was so active and direct, which may force the deceased to commit suicide without leaving no other option coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since 28.03.2023, accordingly, above named petitioner, is directed to be released on bail in connection with Khagaul P.S. Case No. 109 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-V, Danapur/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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