

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38755 of 2023

Arising Out of PS. Case No.-183 Year-2022 Thana- NAANPUR District- Sitamarhi

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SANTOSH KUMAR @ SANTOSH KUMAR RAI @ SANTOSH KR.
YADAV S/O RAM EKBAL RAI R/O Village- Naya Tola, Sareha, P.S-
Nanpur, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dwij Raj, Advocate

For the Opposite Party/s : Ms. Anita Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-07-2023 Heard learned counsel appearing on behalf of the parties.

2. The petitioner seeks bail in connection with Nanpur P.S. Case No.183 of 2022 registered for the offence under Sections 304B/34 of the Indian Penal Code.

3. The accused/petitioner is named in the F.I.R. and is in custody since 04.02.2023.

4. The allegation against the petitioner is to cause death of the daughter of the informant, along with other co-accused persons/family members, due to non-fulfillment of demand of dowry, as raised for cash of Rs. 5,00,000/-.

5. Learned counsel appearing on behalf of the petitioner submitted that implication of this petitioner with



present case is only being husband of the deceased. It is submitted that as wife of the petitioner found dead, out of accident, in nearby ponds situated immediate back to the house of this petitioner, he was implicated with this case. It is further submitted that from postmortem report, it appears that cause of death is ***“asphyxia leading to cardiac failure as a result of drowning”***, where, no external injuries were noticed upon body of the deceased suggesting that she was not assaulted physically, soon before the occurrence. It is further submitted that informant is not eye-witnesses of the occurrence and allegation is based upon suspicion. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above and by taking note of the fact as death of wife of this petitioner was caused due to ***“asphyxia as a result of drowning”*** coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since 04.02.2023, let



the petitioner, above named, is directed to be released on bail in connection with Nanpur P.S. Case No.183 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 S.D.J.M., Pupri, Sitamarhi/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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