

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37069 of 2023

Arising Out of PS. Case No.-691 Year-2022 Thana- GARKHA District- Saran

Sanjay Ray, Son Of Late Indradeo Ray, Resident of Village-Akhtiyarpur, P.S.-
Garkha, District-Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ankur Prakash Sinha, Advocate
For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 18-08-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.
2. The Investigating Officer of the case, in
compliance of the order dated 28.07.2023, is physically present
in the Court.
3. The petitioner apprehends his arrest in connection
with Garkha P.S. Case No. 691 of 2022 registered for the
offences punishable under Sections 304(B), 120(B) and 34 of
the Indian Penal Code.
4. Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the informant
alleges that her daughter was married to the petitioner in the
year 2011 and out of the wedlock, four children were born, it is
next alleged that the petitioner along with his wife (daughter of



the informant) came to attend the marriage of his sister-in-law (sister of the deceased) in the year 2021, further alleges that after seeing the amount of money spent in the marriage and gifts given, the petitioner also became greedy for dowry. It is further alleged that after the petitioner went back from marriage, he started demanding Rs. Two lakhs and a motorcycle from her daughter and for non-fulfillment of the demand, started torturing her daughter who informed the informant about the same on phone on 07.06.2022, thereafter her daughter also informed her brother about the torture on 12.06.2022 and even disclosed that she might be killed, accordingly her son informed the informant and thereafter the informant along with other family members reached the matrimonial home of her daughter but the house was found locked and on inquiry it was revealed that she was killed and the body was disposed of.

5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case with vague and omnibus allegation, it is next submitted that it absolutely does not stand to reason that when petitioner in between ten years of the marriage never demanded any dowry, why he would have demanded dowry after seeing the gifts and cash spent in the wedding of his sister-in-law, it is further



submitted that if what has been alleged in the FIR is true, that the petitioner became greedy for the dowry after he saw the money spent in the marriage of his sister-in-law, then in that event the learned counsel submits whether the petitioner would have demanded only Rs. Two lakhs and a motorcycle

6. Learned counsel for the petitioner next submitted that during the course of investigation, statement of the elder daughter of deceased, who is eight years of age, was recorded wherein she has stated that deceased was in habit of going to her mother's place without informing and on 12.06.2022 also in the night she slept with the youngest child but in the morning she was missing and thereafter the petitioner along with other family members started searching and even informed the brother of the deceased. Learned counsel thus submits that had there been any dispute in the family in between petitioner and the deceased, then definitely the child would have disclosed the same, but from perusal of her statement it appears that the child has not even remotely suggested that any dispute had arisen between the deceased and the petitioner. The learned counsel next submits that during the course of investigation it has also come that a dead body was found and the informant claims to have identified the body as that of his daughter but then the



police was not informed about the body nor the body was recovered by the police, it is thus submitted that it may be a ploy that the informant wanted to implicate the petitioner or else the information would have been given to the police about the dead body which the informant claims to be of her daughter. It is further submitted that the petitioner will not abscond rather will cooperate in the investigation and will present himself as and when required by the Investigating Officer of the case for eliciting the truth and proving his innocence.

7. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner but then, based on the instruction of the investigating officer, does not dispute the submission of the learned counsel for the petitioner with regard to the investigation.

8. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Garkha P.S.



Case No. 691 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

9. However, it is made clear that in the event, if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner despite giving assurance to this Court is not cooperating in the investigation or is not presenting himself when required, then the learned trial court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

10. The personal appearance of the Investigating Officer of the case is dispensed with.

(Satyavrat Verma, J)

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