

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41065 of 2023

Arising Out of PS. Case No.-1196 Year-2022 Thana- PHULWARISHARIF District- Patna

Ghanshyam Sharma Son of Ram Praves Singh Resident of Village - Piplawan
Sona, P.S.- Naubatpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anshuman Singh
For the Opposite Party/s : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 25-09-2023 In view of order dated 04.08.2023, passed by a coordinate Bench of this Court, the investigating officer of the case is present today in Court with case diary and *post-mortem* report. His personal appearance is dispensed with.

2. Heard learned counsel for the parties.

3. The petitioner apprehends his arrest in a case registered for the offence under Sections 302, 201, 120(B)/34 of the Indian Penal Code.

4. In the F.I.R., the informant alleges that her daughter (Tanuja) was married to petitioner about 25 years ago, thereafter she was appointed as a teacher, hence shifted to Patna and started staying at Phulwari Sharif alongwith the petitioner in the house of Raj Kishore. It is next alleged that out of the wedlock two children were born aged about 23 years and 7 years and



presently, Tanjua was staying in the house constructed by the petitioner at Danapur. It is further alleged that on 28.09.2022 at 08:15 PM, while informant was talking to Tanuja on mobile, this petitioner came & started abusing her and the phone got disconnected and thereafter at 08:45 PM, petitioner informed her other daughter (Sapna) at Ranchi that Tanuja suffered heart attack & died and they are going to the village, but the informant, on coming to know, called Raj Kishore and suggested to keep the dead body in his house, on which it is alleged that petitioner abused her. It is next alleged that her younger daughter who stays in Patna went to the house of Raj Kishore where the dead body was kept but the petitioner along with 10- 15 other persons wanted to take the body elsewhere which was objected by Puja on which Raj Kishore tried to make her understand not to institute any case or LIC Policy money of the deceased will not be issued, thereafter, informant came and the dead body was taken to AIIMS where postmortem was done and thus, informant alleges that her daughter was killed.

5. Petitioner denies the prosecution case and submits that no such occurrence, as alleged by the informant in the F.I.R., took place. The marriage of petitioner and deceased was solemnised 25 years ago and from the wedlock, two children –



one son having 23 years and a daughter having 7 years old were born and the relationship was cordial between the couple. As a matter of fact, the deceased committed suicide. In the post-mortem report, the doctor has also opined that the deceased died due to Asphyxia, as a result of hanging. It is further submitted that children have not supported the allegation made in the F.I.R. Petitioner has got clean antecedent.

6. Learned A.P.P. for the State has opposes the prayer for anticipatory bail and submits that the deceased died an unnatural death and as per F.I.R., the petitioner, who is husband of deceased, was present at the place of occurrence and there is direct material against him and as such, the petitioner may not be granted anticipatory bail.

7. Considering the fact that the marriage was solemnised 25 years ago and out of wedlock, two children were born and both of them have not supported the allegation made by the informant as well as the fact that as per post-mortem report, the deceased died due to Asphyxia as a result of hanging and there is no eye-witness to the alleged occurrence, this Court is of the opinion that it is fit case for grant of anticipatory bail.

8. Accordingly, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioner



be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. - XIV, Patna in connection with Phulwari Sharif P.S. Case No. 1196 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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