

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 47621 of 2023

Arising Out of PS. Case No.-32 Year-2022 Thana- RUPASPUR District- Patna

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RAUSHAN KUMAR @ RAUSHAN KUMAR SINGH SON OF
CHANDRESHWAR SINGH @ CHANDESHWAR PRASAD SINGH
RESIDENT OF VILLAGE- KALIKET NAGAR WARD NO. 39, PS-
RUPASPUR, DIST- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Braj Bhushan Mishra, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 01-09-2023

Heard the parties.

The petitioner is in custody in connection with Rupaspur P.S. Case No. 32 of 2022 for the offence under sections 302, 120(B)/34 of the Indian Penal Code lodged on 18.01.2022 by the informant, Gayatri Devi.

As per the prosecution story, the allegation against the petitioner who is the husband of the deceased that although the marriage was solemnized in the year 2012, the lady was tortured demanding a dowry of Rs. 15 lakh failing which it was threatened that she will be thrown out of her in-laws' house. Later, upon pressure from the informant's side, the lady was taken to Bangalore along with her husband (the petitioner herein). But there also, she was beaten regularly. This forced the



informant to visit Bangalore and bring his daughter back to home. Later, the petitioner's father came to the informant's house, apologized and took away the deceased but immediately thereafter they got the information about the death of the lady. Accordingly, the FIR.

Earlier the case of the petitioner was heard and rejected on 11.10.2022 in Cr. Misc. No. 39815 of 2022.

Again, a fresh application has been preferred whereafter a report was called for, which has since been received vide Letter no. 228 dated 05.08.2023 according to which the case is pending for framing of the charges.

Learned counsel for the petitioner submits that they were having good marital life, she was under depression and committed suicide, the in-laws were informed but for oblique reason, the present FIR and he will be abiding by all the terms and conditions, if released on bail.

The last contention is that he is in custody since 19.01.2022 (as stated in paragraph 15 of the petition) and no one is there to look after the two minor kids.

Learned APP opposes the prayer for bail stating that he is the husband.

Considering the fact that he has remained in custody



since 19.01.2022, the charges are yet to be framed, the lady is no more and two minor kids have to be looked after and he will be diligently appearing in trial, it will be appropriate that relief is granted to him with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional District and Sessions Judge V, Danapur, Patna, in connection with Rupaspur P.S. Case No. 32 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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