

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54851 of 2022

Arising Out of PS. Case No.-472 Year-2021 Thana- DIGHA District- Patna

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Laukesh Kumar @ Lokesh Kumar Son of Kaushal Kumar Singh Resident of
Village - Shivaji Nagar, Mushahari Tola, P.s.- Digha, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate
Mr. Vikramdeo Singh, Advocate
For the Opposite Party/s : Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 01-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

In the present case, the petitioner seeks bail in connection with Digha P.S. Case No. 472 of 2021 registered for the alleged offences under Sections 304(B), 120(B), 201, 306 and 34 of the Indian Penal Code.

As per prosecution case, petitioner was married to the sister of the informant and allegation is that he on account of non-fulfillment of his demand of dowry assaulted and thereafter, strangulated her with the help of this family members.

Learned counsel for the petitioner submits that the petitioner has earlier moved before this Court by filing



Cr.Misc. 11474 of 2022 which was dismissed as not pressed on 13.07.2022. Learned counsel further submits that sister of the informant committed suicide and this fact is clear from the statement of witnesses recorded by the police during investigation as well as in the postmortem report. It is clear from the record that no demand was made prior to the alleged occurrence and it has come in the statement of the informant and other witnesses that the deceased used to demand money from her husband and also from her parents-in-law for her further studies. It has come on record that the petitioner and other co-accused persons forbade informant and his brother from entering into their house when they came on the occasion of Raksha Bandhan. Learned counsel further submits that perhaps due to this dispute, the wife of the petitioner committed suicide and the petitioner and his family members were present at their house where the dead-body was found and they did not try to flee away from the spot. Some abrasions and bruises were found on forearm, elbow and wrist and she might have suffered the same due to falling on slab of the kitchen. The petitioner is in custody since 23.08.2021, investigation is complete and charge-sheet has been submitted. The petitioner has got no criminal history.



Learned APP opposes the prayer for bail submitting that petitioner is the husband of the deceased and the death occurred within three years of marriage and there is direct allegation against the petitioner for causing death of the sister of the informant.

Having regard to the submissions made hereinabove and considering the facts and circumstances and also considering possibility of suicide being there and further considering the clean antecedent of the petitioner along with the period of custody and submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Patna in connection with Digha P.S. Case No. 472 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive



dates or in violation of the terms of the bail, the
bail bond of the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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