

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59174 of 2023

Arising Out of PS. Case No.-273 Year-2023 Thana- BARBIGHA District- Sheikhpura

SUMAN KUMAR son of Shankar Prasad Singh Village- Maldah Ps- Barbi-
gha Dist- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Ms. Vaishnavi Singh, Advocate
For the State	:	Mr. Madhura Nand Jha, APP
For the informant	:	Mr. Anuraj Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 13-12-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Barbigha (Mishan O.P.) P.S. Case No. 273 of 2023 registered on 4.7.2023 for the alleged offence under Sections 304-B, 498-A and 306 of the Indian Penal Code.

3. As per prosecution case, the wife of the petitioner committed suicide in her parental home at the instigation of the petitioner. Further allegation is that the occurrence took place in the background of demand of Rs.5,00,000/- by the petitioner.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. After the marriage which was solemnized on 2nd of December, 2022, the daughter of the informant went to her matrimonial home and stayed there for 20 days and she returned to her parental home and since then she had been residing in their parental home. While the daughter of the informant had been residing in her parental home, the petitioner always used to send money to her and in the year 2023, petitioner has paid Rs. 40,000/-, Rs.30,000/- and Rs. 30,000/- respectively through google payment transaction. Learned counsel further submits that the occurrence took place on 3rd of July, 2023 whereas the First Information Report was registered on 4th of July, 2023. No case was lodged on the same day of occurrence either by the informant or by any of his family members. The allegation of demand of dowry or instigating the daughter of the informant to commit suicide by the petitioner is out and out false allegation. When the petitioner transferred huge amount to the deceased on her own account there was no question of demanding any money and it shows that the



deceased committed suicide for some other reason and the informant and other lodged this false case against the petitioner in order to save themselves.

5. Learned APP for the State opposes the prayer for anticipatory bail of the petitioner submitting that due to instigation of the petitioner and on account of dowry demand, the daughter of the informant committed suicide. However, learned counsel for the informant submits that some compromise has taken place and he will not be opposing the prayer for grant of anticipatory bail to the petitioner

6. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the remoteness of allegation against the petitioner and also the possibility of false accusation, let the petitioner, above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs.20,000/- (Rupees twenty thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura, in



connection with Barbigha (Mishan O.P.) P.S Case No. 273
of 2023, subject to the condition laid down under Section
438(2) of the Code of Criminal Procedure and other
following conditions:-

*(i) One of the bailors will
be a close relative of the petitioner.*

*(ii) The petitioner will
remain present on each and every
date fixed by the court below, if so
required by the learned trial
court.*

(Arun Kumar Jha, J)

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