

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59732 of 2023

Arising Out of PS. Case No.-143 Year-2020 Thana- GAIGHAT District- Muzaffarpur

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Gautam Kumar Singh @ Gautam Kumar S/O Devendra Singh Resident Of
Village- Sakarwara, Noor, P.S- Gaighat, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur, Advocate

For the Opposite Party/s : Mrs.Rina Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 13-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Gaighat P.S. Case No. 143 of 2020, registered on 03.06.2020 for the offences under Sections 304B/120B of the Indian Penal Code.

3. As per prosecution case, the daughter of the informant died in her matrimonial home within six years of marriage and the petitioner is the husband of the deceased and allegation is that of demand of gold chain, gold ring and money as dowry.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The daughter of the informant was a quarrelsome lady and



she committed suicide as she was not happy with her marriage with the petitioner. There was no demand of dowry by the petitioner or any of his family members. From the FIR it is clear that there is general and omnibus allegation against all the accused persons and no specific overt act has been attributed to the petitioner. The fact of the case is that the petitioner went to Orissa to earn his livelihood and at the time of occurrence he was not even present in his house. Even the uncles of the deceased stated about petitioner working in Orissa at the time of occurrence, who informed from there about the suicide of the daughter of the informant to the informant and other persons. Learned counsel further submits that the witnesses examined during investigation have stated about the suicide committed by the victim. Learned counsel further submits that in course of entire investigation no cogent material has been brought against the petitioner. The co-accused brothers of the husband of the victim have been granted anticipatory bail by Co-ordinate Bench vide order dated 15.05.2023 passed in Cr. Misc. No. 55529 of 2022 whereas the mother-in-law has been granted bail by another Co-ordinate Bench and father-in-law has been granted bail by the learned court below. The petitioner has got no criminal antecedent.



5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the allegation is specific against the petitioner who is husband of the deceased that he had been demanding money and gold ornaments in dowry and the death occurred within seven years of marriage.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of material against the petitioner and also considering the possibility of false implication, 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 bonds of Rs.20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, (East) Muzaffarpur/concerned court in connection with Gaighat P.S. Case No. 143 of 2020, subject to the condition as 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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