

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61606 of 2023

Arising Out of PS. Case No.-154 Year-2021 Thana- CHAUTHAM District- Khagaria

Rohit Kumar @ Rohit Kumar Tanti, S/O Sri Ganauri Tanti, R/O Village- Badi
Telaunchh, Ward No. 14, P.O- Farreh, P.S- Chautham, Distt.- Khagaria, Bihar.
... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Kaushlendra, Advocate

For the Opposite Party/s : Mr.Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 06-12-2023 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 Chautham P.S. Case No. 154 of 2021 registered for the alleged offences under Sections 304(B)/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. As per prosecution case, the petitioner is the husband of the deceased sister of the informant. The allegation against the petitioner is that he along with other co-accused persons committed dowry death of the sister of the informant.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The entire allegation is false and concocted. The petitioner had been living with the deceased in a rented premises at his



workplace and he has been working as constable in jail police, Samastipur. While the petitioner was at his duty, his wife committed suicide and coming to know about this fact, the petitioner brought her dead body to his village where the informant and his family members were also called and, thereafter, they registered a false case with malafide intention. The learned counsel further submits that the witnesses, who were living nearby, were examined by the police and they stated that there was no quarrel between the husband and the wife and the deceased had been in depression due to death of her elder sister, who is said to have committed suicide. The witnesses in paragraphs 99, 100 and 101 of the case diary have specifically stated that the wife of the petitioner committed suicide. The learned counsel further submits that in paragraphs 104 and 105 of the case diary, details have been mentioned about the petitioner being on duty on 19.07.2021. The learned counsel further submits that the post mortem report shows death has been caused due to spinal injuries resulting in respiratory failure. The petitioner has got no criminal antecedent.

5. Learned APP vehemently opposes the submission made on behalf of the petitioner. The learned APP submits that the petitioner is the husband and his wife died within seven years of marriage in his house.



6. Perused the records.

7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the statement of witnesses recorded during investigation and further considering the post mortem report and also considering 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/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Khagaria, in connection with Chautham P.S. Case No. 154 of 2021, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the 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)

V.K.Pandey/-

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