

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60746 of 2022

Arising Out of PS. Case No.-160 Year-2020 Thana- TARAPUR District- Munger

Shashi Bhushan Singh Son of Late Anandi Prasad Singh R/v- Mahapur, P.S.-
Tarapur, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Surya Narayan Sah, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 5 19-04-2023 1. Let the defects, if any, pointed out by the office be removed within four weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.
2. Heard learned counsel for the petitioner and the learned APP for the State.
3. Petitioner seeks regular bail in connection with Tarapur P.S. Case No. 160 of 2020 dated 04.11.2020 registered for the offence punishable under Section 304(B)/34 of the Indian Penal Code.
4. The main submissions advanced by learned counsel for petitioner are that the petitioner is husband of the deceased, in the FIR the allegation is completely vague and during investigation the witnesses made the allegation against this petitioner and co-accused persons that the victim was assaulted

to death and thereafter her body was hanged but the said allegation does not get support from the victim's *post-mortem* report which shows that on the body of the victim no any external injury was found and as per medical expert's opinion, cause of death was due to '*asphyxia*' caused by hanging, infact the victim committed suicide and against the petitioner there is no specific allegation regarding the alleged cruelty as well as dowry demand and other co-accused persons who are carrying the similar nature of allegation are on bail and the petitioner's trial has started and two witnesses have been examined who have been declared hostile. Further submissions are that the petitioner has been languishing in jail since 26.04.2022 having fair and clean antecedent and there is no allegation by prosecution as to petitioner having tampered the witnesses during his trial till date.

5. Learned APP for the State has opposed the bail prayer and submitted that petitioner is husband of the deceased and there is serious allegation against him.

6. Considering the facts and circumstances of this case and mainly the facts that as per the above submissions other co-accused persons who are carrying similar nature of allegation as per the FIR are on bail and in the present time the petitioner is

facing trial and two witnesses have been examined as submitted above and as per the *post-mortem* examination on the body of the deceased no any external injury except one ligature mark around her neck was found and the cause of death has been opined due to ‘*asphyxia*’ caused by hanging, in my opinion, the petitioner deserves to a lenient approach of this Court. Accordingly, let the petitioner named above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Tarapur P.S. Case No. 160 of 2020.

(Shailendra Singh, J)

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