

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65200 of 2023

Arising Out of PS. Case No.-5 Year-2023 Thana- HARNAUT District- Nalanda

Rahul Kumar Son of Vidya Vinod Sharma Resident of Village Srichandpur,
P.S. Harnaut, District Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ajay Kumar Thakur, Advocate Ms. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate Mr. Purushottam Kumar, Advocate
For the Opposite Party/s :	Mr. Choubey Jawahar, APP
For the Informant :	Mr. Arvind Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 20-12-2023 Heard learned counsel for the petitioner and learned
counsel for the informant as well as learned A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Harnaut P.S. Case No. 05 of 2023, registered on 03.01.2023, for the alleged offence under Sections 304(B)/34 of the Indian Penal Code.

03. As per prosecution case, the informant received information from the matrimonial home of his married daughter about her fall from a roof and her subsequent treatment in P.M.C.H. When the informant reached at P.M.C.H, he did not find his son-in-law or his family members and later on, he received information about death of his daughter. The informant alleged that there had been a demand of Rs. 1,80,000/- as dowry



by the petitioner, who is the husband, and other co-accused persons, who are in-laws of the deceased.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. All the allegations are false and concocted. From the F.I.R., it is clear that the informant was duly informed about the treatment of his daughter. The daughter of the informant was mentally ill and she was got treated by the petitioner and the document to this effect has been annexed with the petition. The mental illness is apparent as the deceased was earlier treated at Ranchi and the document has also been annexed for her treatment prior to her marriage. Learned counsel further submits that unfortunately the daughter of the informant received some injury due to fall and after that she was treated firstly at Referral Hospital, Kalyanbigha, Harnaut, thereafter in Sadar Hospital, Nalanda at Biharsharif and from there she was referred to Bhagwan Manabir Institute of Medical Science, Pawapuri and from there also to P.M.C.H., Patna. While she was undergoing treatment at P.M.C.H, she died. The treatment of the deceased was for *pelvis fracture* and cause of death was shown to be *cardio respiratory arrest*. Learned counsel further submits that the dead body of the deceased was cremated at Gulbi Ghat and



cremation certification was also issued from Patna Municipal Corporation, Patna. The in-laws of the petitioner attended the last rites of the deceased. There is allegation about demand of Rs. 1,80,000/- as dowry, though there is no allegation that soon before her death she was being subjected to cruelty due to non-fulfillment of the demand. The co-accused Bachi Devi has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 31.08.2023 passed in Criminal Misc. No. 53958 of 2023. The petitioner has got no criminal antecedent.

05. Learned A.P.P. for the State as well as learned counsel for the informant vehemently oppose the prayer for anticipatory bail. Learned counsel for the informant submits that all the documents have been fabricated for the purpose of getting bail. The death of the daughter of the informant occurred within six month of her marriage.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering sequence of event and the nature of injury and cause of death and further considering the fact that possibility of false implication cannot be ruled out, 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, Nalanda at Biharsharif/concerned court in connection with Harnaut P.S. Case No. 05 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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