

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1347 of 2023

Arising Out of PS. Case No.-268 Year-2020 Thana- BACHHWARA District- Begusarai

KISHORE KUMAR KAUSHIK Son of Kailash Bihari Gop R/v- Dhepura,
P.S.- Dalsingsarai, District- Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dharmesh Kumar

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 04-05-2023 Heard learned counsel for the petitioner as well as
learned APP for the State.

In this case, the petitioner is seeking regular bail in connection with Bachwara P.S. Case No. 268 of 2020, registered for the offences punishable under Sections 304(B)/201/120(B) of the IPC.

As per allegation, the marriage of the deceased was solemnized with the petitioner on 26.04.2018. The customary presents were given at the occasion of marriage. The accused persons committed atrocities upon the deceased for non-fulfillment of demand of dowry. On 23.12.2020, the informant got an information that the dead-body of her daughter was recovered near Balan river. The informant tried her best to



contact the matrimonial inmates of her daughter, but they did not pick up phone. Later on, she came to know that the accused persons, after killing her daughter, had thrown her dead body in Balan river.

The learned counsel for the petitioner has submitted that after solemnizing the marriage, the deceased lived only for ten days in matrimonial house. She was mentally insane. The petitioner filed a divorce case on the ground of mental abnormality of the deceased as Divorce Case No. 123 of 2019. As a matter of fact, the deceased was residing in her *Maika* and due to mental illness, she committed suicide. He has submitted further that the place wherefrom her dead-body was recovered, was at a distance of 1.5 K.M. from her native house and that place is 14 K.M. away from the house of the petitioner. The only material emerged during course of investigation is that the location of mobile set of the petitioner was found near the place of occurrence, whereas from 21.12.2022, the location of his mobile phone was found in Sahibganj.

On the other hand, the learned APP has opposed the prayer for bail and submitted that the investigating authorities have recorded statement of one Pawan Kumar in paragraph no. 42 of the case diary and Surendra Rai in paragraph no. 29 of the



case diary. They have stated that at the occasion of marriage of daughter of Pawan Kumar, the petitioner and his wife had participated in that marriage. After the marriage, the petitioner insisted upon Pawan Kumar to provide him some liquor and when he refused, he went therefrom in anger, along with his wife. Later on, it was learnt that he killed his wife, to which the learned counsel for the petitioner has replied that the independent witness Pawan Kumar was instrumental in playing the role of mediator in the aforesaid marriage between the petitioner and the deceased. He is an interested witness and has falsely furnished his statement before the investigating authorities.

The petitioner has already filed divorce case against the deceased. The ground of that divorce petition is that the deceased was mentally ill and concealing this fact, her parents had solemnized her marriage with the petitioner. The place, wherefrom the dead-body of the deceased was found, was near her native place and the house of the petitioner was 14 km away from it.

Considering the above-mentioned facts and circumstances, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties



of the like amount each to the satisfaction of learned Chief
Judicial Magistrate, Begusarai in connection with Bachwara P.S.
Case No. 268 of 2020, subject to the following conditions:-

(i) The petitioner shall cooperate in the
disposal of trial and make himself available as and
when required by the court.

(ii) If the petitioner is found involved
in future in the similar type of offence, the
prosecution will have liberty to file an application
before the court below for cancellation of the bail
of the petitioner and the learned court below will
take decision in accordance with law.

(Nawneet Kumar Pandey, J)

Kundan/Nirmal

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