

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12436 of 2024

Arising Out of PS. Case No.-125 Year-2022 Thana- SUGAULI District- East Champaran

Ashok Kumar @ Ashok Thakur S/o Gorakh Thakur R/o vill - Srikhandi, P.S .-
Sugauli, Distt. - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar, Advocate
For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 17-05-2024 1. Heard learned counsel appearing on behalf of

the petitioner and learned counsel appearing on behalf of

the State.

2. The petitioner seeks bail in connection with

S.Tr. No. 12 of 2024 arising out of Sugauli P.S. Case

No. 125 of 2022/G.R. Case No. 996 of 2022 registered

for the offence under Sections 323, 324, 379, 498A,

304B, 420, 504/34 of the Indian Penal Code and

Sections 3 & 4 of the Dowry Prohibition Act instituted on



the complaint of one Rupan Thakur, though cognizance has been taken for the offences under Sections 323, 324, 498A, 304B & 201 of the Indian Penal Code.

3. The accused/petitioner is named in the F.I.R. and is in custody since 21.07.2023.

4. The allegation against the petitioner is to cause death of daughter of the informant alongwith family members/co-accused persons due to non-fulfillment of demand of dowry as raised for cash of Rs. 10 lacs.

5. Learned counsel appearing on behalf of the petitioner submitted that the deceased wife of petitioner was a short tempered lady and out of casual matrimonial discord, she committed suicide. It is submitted that the parents of deceased were present at the time of last rituals and with their consent it was performed. It is also pointed out that the occurrence took place on 03.12.2021, for which the complaint was filed on 01.02.2022, which was sent to the concerned police



station by learned Jurisdictional Magistrate as to lodge FIR by exercising power under Section 156(3) of Cr.P.C., subsequently, the present FIR was lodged on 02.03.2022. It is submitted that the complaint, which is the basis of present FIR was lodged after two months of the occurrence in a planned and formulated manner, when after death of daughter of informant, a demand for cash was made by the informant which was refused by the petitioner. It is submitted by learned counsel that including entire investigation, nothing surfaced which may suggest that act of petitioner was of such nature being husband, which may forced his wife i.e. daughter of informant to commit suicide without leaving no other option. In support of submission, learned counsel relied upon the report of Hon'ble Supreme Court as reported through **2016 SCC onLine SC 1415** in the matter of **Gurcharan Singh Vs. State of Punjab**. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover,



investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP while opposing the prayer of bail submitted that petitioner is husband, against whom the thrust of allegation is available.

7. In view of aforesaid factual and legal submission, as present FIR appears to be lodged through complaint petition, which was lodged even after two months of occurrence, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 21.07.2023, accordingly, petitioner above named, is directed to be released on bail in connection with S.Tr. No. 12 of 2024 arising out of Sugauli P.S. Case No. 125 of 2022/G.R. Case No. 996 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 22nd Addl. Sessions Judge, East Champaran, Motihari/concerned Court, subject to



the conditions as mentioned under Section 437(3) of the
Cr.P.C.

(Chandra Shekhar Jha, J)

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