

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28948 of 2024

Arising Out of PS. Case No.-321 Year-2023 Thana- WARISLIGANJ District- Nawada

Dharmendra Kumar Son of Latho Mahto @ Late Lato Mahto Resident of
Raghunandan Bigha, P.S.- Halsi, Dist.- Lakhisarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chandrakant Devi Wife of Shri Kali Charan Prasad Resident of Village-
Sherpur, Police Station- Warsaliganj, dist.- Nawada

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Tej Narayan Singh, Advocate
For the State	:	Mr. Sanjay Kumar Sharma, APP
For Opposite Party No.2	:	Mr. Brahmaputra Singh Ishu, Advocate Ms. Poonam Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 29-08-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 498A, 366 and 34 of the Indian Penal Code.

3. As per prosecution case, marriage of younger daughter of informant was solemnized with this petitioner on 14.04.2022. It is alleged that after marriage when daughter of informant went to her matrimonial house, all the accused persons named in the F.I.R., including this petitioner, started demanding dowry and due to non-fulfillment of the same, she was abused, tortured and taunted. It is further alleged that on 09.12.2022, daughter of informant informed via telephone that



she was on the verge to be killed by this petitioner and other accused persons for demand of a Bullet motorcycle. Upon information, informant along with her son visited the victim and took her to Nawada for treatment. Thereafter, on 14.05.2023, at about 8 AM, it was informed to informant by some unknown persons that her daughter had died and on information, when the informant reached Raghunandan Bigha, she could not find the victim. On enquiry, she was threatened by co-accused Dinesh Mahto and Savita Devi. Thereafter, on 15.05.2023, son and son-in-law of informant visited house of this petitioner situated at Amritsar and tried to search the place for 15 days but they could not find the victim. Informant suspects that this petitioner, along with other accused persons, have killed daughter of informant and have hidden the dead body somewhere else.

4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner happens to be husband of the deceased and has been made an accused in this case merely on suspicion. From bare perusal of the F.I.R. it is apparent that informant is not an eye witness of the alleged occurrence and only a suspicion has been raised against this petitioner. It is further submitted that present case has been filed on 12.06.2023 with regard to occurrence allegedly committed on



13.05.2023/15.05.2023. As a matter of fact, on 14.05.2023, a quarrel took place between this petitioner and deceased and thereafter, the deceased left the house and did not return. Thereafter, the petitioner filed an application on 14.05.2023 but it was numbered on 16.05.2023 and subsequently, a case vide D.G. No. 044 has been registered before the District Police Commissioner (Punjab) with regard to missing of victim on 16.05.2023. During course of investigation, it has come through the CCTV footage that on 14.05.2023, the victim left her matrimonial house and she was seen crossing the railway track during which deceased herself came in front of the railway track, which resulted in her death and Punjab police has also registered a case in this regard bearing G.R.P. Amritsar Naksha Marg U.D. Case No. 55 of 2023 as such, this petitioner cannot be said to have committed any offence. Deceased died due to accident. Petitioner claims clean antecedents.

5. On the other hand, learned A.P.P. for the State and learned counsel appearing on behalf of the informant have vehemently opposed the prayer for grant of anticipatory bail to the petitioner and submitted that during course of investigation it has come that this petitioner, along with other accused persons, demanded dowry and due to non-fulfillment of the



same, all of them killed the daughter of informant.

6. Considering the aforesaid facts and circumstances that it was a case of accidental death for which Punjab police has already registered U.D. Case No. 55 of 2023 and clean antecedents of the petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioner 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 learned ACJM-II, Nawada, in connection with Warsaliganj P.S. Case No. 321 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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