

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36089 of 2024

Arising Out of PS. Case No.-192 Year-2023 Thana- MAHUA District- Vaishali

Maharana Pratap Singh Son of Late Khijan Singh Resident of Village and
P.O.- Harpur Belwa, P.S.- Mahua, District - Vaishali, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-06-2024 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel appearing on behalf of the
informant.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 304B, 201 read with Section 34 of the Indian Penal
Code in connection with Mahua P.S. Case No.192 of 2023.

3. The learned counsel for the petitioner submits that
petitioner being father-in-law of the deceased has been
implicated in the instant case by the informant with an
allegation that his daughter was married to the son of the
petitioner in the year 2018 and after marriage, the accused
persons including the petitioner were demanding dowry of
Rs.4,00,000/-, but on account of non-fulfillment of the demand



it is alleged that the deceased was tortured.

4. Further on 30.03.2023 the informant came to know that his daughter was killed, but the son-in-law informed that she committed suicide by hanging, accordingly, the informant along with his family members came to the place of occurrence but did not find the dead body of his daughter, further nearby people informed that the accused persons including the petitioner killed his daughter and cremated the dead body to conceal the evidence.

5. The learned counsel submits that husband of the deceased is in custody. It is also submitted that out of the wedlock a child was born in the year 2020 who presently is four years of age and is being looked after by the petitioner. It is further submitted that the marriage was solemnized in the year 2018 and the instant FIR came to be instituted in the year 2023 and in these five years no complaint ever came to be filed or instituted either by the deceased or the informant alleging that the deceased was being tortured for dowry, it is next submitted that on 30.03.2023 the deceased suffered acute pain in the heart, accordingly her husband took her to the nursing home of Dr. A.K. Singh where she was treated, it is next submitted that the husband of the deceased on 30.03.2023 at 12.26 PM called the



son of the informant on his mobile number informing him about the condition of his sister and the talk in between the husband of the deceased and his brother-in-law was for 107 seconds as has come in the case diary at para-85. It is next submitted that the informant and his son were aware of the condition of the daughter-in-law of the deceased as informed by her husband, as such they also did not rushed immediately thinking that doctors are attending the deceased.

6. It is also submitted that the police during the course of investigation recorded the statement of Dr. A.K. Singh who treated that deceased prior to her death who stated that the deceased was brought to his nursing home in a serious condition and he treated her but on account of cardiac arrest she died and he issued the death certificate. It is also submitted that the doctor also handed over the treatment which was meted out to the deceased by him as has come at para-45 of the case diary.

7. It is next submitted that the informant and his family members also participated in the cremation and later by way of afterthought the instant case came to be instituted with general and omnibus allegation. It is next submitted that informant is not an eyewitness to the occurrence.

8. The learned APP and the learned counsel appearing



on behalf of the O.P. No.2 opposes the anticipatory bail application.

9. The learned counsel appearing on behalf of the informant submits that the informant had filed a criminal writ before this Court seeking a direction upon the police to investigate the case fairly as the informant was having apprehensions that police may not investigate in case fairly. It is also submitted that in the criminal writ a counter affidavit was filed, but then no such ground was taken as is being submitted by the learned counsel appearing on behalf of the petitioner that the deceased was treated in the nursing home of Dr. A.K. Singh, on which the learned counsel appearing on behalf of the petitioner submits that the submission has been made based on what has transpired during the course of investigation and stands recorded in the case diary.

10. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Ist Class, Vaishali



at Hajipur in connection with Mahua P.S. Case No.192 of 2023,
subject to the conditions laid down under Section 438(2) of the
Cr.P.C.

11. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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