

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51455 of 2024

Arising Out of PS. Case No.-564 Year-2023 Thana- MASAUDHI District- Patna

Ramu Kumar @ Ramu Yadav Son of Late Bhuneshwar Prasad @
Bhuneshwar Yadav Resident of Village - New Manichak, P.S.- Masaurhi,
District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ganesh Prasad Yadav, Advocate
For the State	:	Mr. Chandra Bhushan Prasad, A.P.P.
For the Informant	:	Mr. Mrityunjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 19-09-2024 Heard learned counsel for the petitioner, Mr. Chandra
Bhushan Prasad learned A.P.P. for the State and learned counsel
appearing on behalf of the informant.

2. The defects, as pointed out by the office, are
ignored.

3. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 302,
120(B) and 201/34 of the Indian Penal Code.

4. Learned counsel for the petitioner submits that
petitioner has antecedent of one case which was instituted by the
deceased earlier.

5. The informant alleges that his sister was married to
the petitioner in the year 2009 and after marriage his sister was
tortured for dowry, hence, she instituted Masaudhi P.S. Case No.



420 of 2022 under Section 498(A) of the Indian Penal Code read with other sections. It is further alleged that petitioner entered into an agreement for sale with respect to the house in which the sister of the informant lived without her consent. It is next alleged that the petitioner even permitted his elder brother to stay in the house in which sister of the informant was staying with a view to kill her. It is further alleged that the accused persons including the petitioner killed his sister on 03.08.2023 and threw her body on the railway track to give an impression that she died on account of rail accident.

6. Learned counsel for the petitioner submits that petitioner, being the husband of the deceased, has been falsely implicated in the instant case based on surmises and conjectures. It is further submitted that informant is not an eyewitness to the occurrence and the entire allegation hinges around suspicion. It is next submitted that petitioner was not even present at the place of occurrence when the occurrence is alleged to have taken place rather petitioner was in Delhi. It is also submitted that during course of investigation Sanjay and Raju were apprehended and they in their confessional statement gave a vivid description of the occurrence that how the deceased was killed. It is further submitted that from confessional statement of



Sanjay and Raju, it cannot be culled out that petitioner was also involved in the occurrence or at his behest the deceased was killed. It is next submitted that the postmortem report of the deceased records that the cause of death was on account of assault on head and the apprehended accused in their confessional statement have confessed that they killed the deceased by assaulting her on her head by gas cylinder.

7. Learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioner and fairly submits that the apprehended accused have confessed their guilt but have not implicated the petitioner but then from perusal of the FIR, it would manifest that the informant alleges that the petitioner had got his brother settled in his house with a view to kill the sister of the informant and the brother of the petitioner also came to be implicated in the instant case as he confessed his participation in the crime, though he does not allege that the occurrence was committed at the behest of the petitioner. It is further submitted that prior to institution of the instant case, the deceased had instituted Masaudhi P.S. Case No. 420 of 2022 against the petitioner and others which amply demonstrates that the petitioner and his family members were torturing the sister of the informant after



marriage. It is next submitted that if privilege of anticipatory bail is granted to the petitioner in that event, the petitioner may abscond or try to tamper with the evidence on which learned counsel appearing on behalf of the petitioner submits that petitioner will not abscond rather will cooperate in the investigation to prove his innocence. It is also submitted that merely because petitioner is the husband of the deceased and there were certain differences between the two that in itself cannot be a ground to deny the anticipatory bail to the petitioner when the apprehended accused in their confession have not alleged against the petitioner that it was at his behest that the occurrence was committed.

8. Mr. Chandra Bhushan Prasad learned A.P.P. for the State is present.

9. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Masaudhi



P.S. Case No. 564 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

10. One of the bailors of the petitioner shall be his cousin brother, namely, Sanjay Prasad.

11. However, it is made clear that if the investigating officer of the case files an application bringing to the notice of the learned trial court that petitioner, despite giving assurance to this Court, is not cooperating in the investigation or is not presenting himself, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

12. It is further made clear that if charge-sheet is submitted connecting the petitioner with the offence, in that event, the present anticipatory bail order shall lose its effect.

(Satyavrat Verma, J)

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