

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39569 of 2024

Arising Out of PS. Case No.-786 Year-2017 Thana- NAWADA District- Nawada

Sudhir Kumar S/O Shankar Prasad @ Shiv Shankar Prasad R/O Village-
Nardiganj padpa, P.S.- Nardiganj, DIST- nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar

For the Opposite Party/s : Mr. Navin Kr. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 23-08-2024 Heard learned counsel appearing on behalf of

the parties.

2. The petitioner seeks bail in connection with

Nawada (town) P.S. Case No. 786 of 2017 registered

for the offence under Sections 498(A), 304(B), 34 of

the I.P.C. and Section 3/4 of Dowry Prohibition Act.

3. The petitioner is named in the F.I.R. and is

in custody since 19.10.2023.

4. The petitioner is the husband of the

informant's daughter (deceased). The allegation against

the petitioner is to cause death of the daughter of the

informant along with other co-accused persons/ family



members due to non-fulfillment of demand of dowry as raised for cash of Rs. One lakh fifty thousand.

5. Learned counsel appearing on behalf of the petitioner submitted that implication of petitioner appears only being husband of the deceased. It is submitted that the marriage of deceased with petitioner was a love marriage and they solemnized their marriage in court as it appears from the narration of the FIR itself and therefore there is no occasion as to raise the demand of dowry. It is submitted that allegation as to commit murder by way of strangulation is also not appearing convincing. It is also not a case of suicide as *post-mortem* report of deceased clearly suggests that no injury/ ligature mark/ pressure mark was found on her body rather viscera was preserved to ascertain the exact cause of death. It is submitted that even presuming that the daughter of informant committed suicide, there is nothing appears convincing during investigation which may suggest that act of petitioner was so active or direct



which may force the daughter of informant to commit suicide without having any option. In support of his submission learned counsel relied upon the legal report of Hon'ble Apex Court as available through ***Gurucharan Singh vs. State of Punjab*** reported in ***2016 SCC OnLine SC 1415***. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, and as such, there is no chance of tampering with the evidence.

6. Learned APP while opposing the prayer of bail fairly conceded that doctor could not ascertain the cause of death.

7. In view of the aforesaid facts and circumstances and by taking note of fact as no injury on neck / ligature mark/ pressure mark was found upon the body of the deceased negating allegations of strangulations as raised through FIR, coupled with fact that investigation of this case is completed where



petitioner is in custody since 19.10.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Nawada (town) P.S. Case No. 786 of 2017 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I, Nawada /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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