

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42438 of 2024

Arising Out of PS. Case No.-362 Year-2023 Thana- THawe District- Gopalganj

Nagendra Singh @ Bunti S/O Late Awadhkishore Singh R/O Village-
Ramchandrapur, P.S- Thawe, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Ranjeet Kumar Pandey
For the Opposite Party/s :	Mr. Chandra Bhushan Prasad, APP
	Mr. Satyeshwar Prasad, Adv

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 5 20-12-2024 1. Heard learned counsel for the petitioner and learned A.P.P. for the State, Shri. Chandra Bhushan Prasad and learned counsel appearing on behalf of the informant.
2. The petitioner seeks bail in a case registered for the offences punishable under Sections 304B, 201 and 34 of the Indian Penal Code.
3. The Station House Officer, Thawe Police Station, Gopalganj, in compliance of the order dated 11-12-2024, is present in the Court.
4. Learned counsel for the petitioner submits that the Sumanti Devi had approached this Court seeking anticipatory bail by filing Cr. Misc No. 42485 of 2024, further Cr. Misc No. 42485 of 2024 was taken up on 13-8-2024 and the Investigation



Officer was directed to remain physically present before the Court on 27-8-2024. It is next submitted that on 27-8-2024, the Investigation Officer of the case was present in the Court in connection with Cr. Misc No. 42485 of 2024 and the Investigating Officer made a specific submission on that date that the dead body of the deceased was recovered from Uttar Pradesh at the instance of Nagendra Singh @ Bunti (husband of the deceased) and the dead body was taken to a hospital at Uttar Pradesh for post-mortem.

5. The learned counsel for the petitioner next submits that petitioner is the husband of the deceased and the marriage of the petitioner with the deceased was performed only an year back, further the informant, who is father of the deceased, alleges that the deceased was married to the petitioner on 2-12-2022, further after marriage, the accused persons including the petitioner were demanding a bullet motorcycle along with a golden chain. It is next alleged that the deceased remained happily at her matrimonial home for 2-3 months, but she saw that her husband was having an illicit relationship with his own *bhabhi* which was objected by the deceased, on which the accused persons including the brother of his *bhabhi* started making plans to kill his daughter, further on 4-12-2023 at 7 pm,



the *bhabhi* of the petitioner called her brother, and all the accused persons assaulted the deceased brutally, the information about which was given by people residing near the house of the petitioner, accordingly on 5-12-2023, the informant along with his son came to the place of occurrence and saw that no one was present in the house, on enquiry, the villagers disclosed that the accused persons are missing from the house since the night before, thus alleges that his daughter has been killed and the dead body has been disposed of.

6. The learned counsel for the petitioner submits that petitioner, being husband, has been falsely implicated in the instant case by the informant based on suspicion, it is next submitted that the body of the deceased was not found in the house of the petitioner rather was recovered from a drain in Uttar Pradesh. It is next submitted that though the Investigating Officer of the case has made a specific submission before this Court on 27-8-2024 that the dead body of the deceased was recovered at the instance of the petitioner, but then from perusal of the case diary, it would manifest that the body of the deceased was already recovered on 5-12-2023 and the same was not recovered at the instance of the petitioner. It is next submitted that petitioner was arrested in the case on 7-12-2023 and



thereafter his confessional statement was taken, wherein the petitioner was made to confess about his participation in the crime. It is further submitted that the petitioner in his confessional statement was made to confess that he strangled the deceased and thereafter hired a Bolero car and put the dead body in the car and thereafter brought it to Uttar Pradesh and dumped the body in a drain.

7. The learned counsel next submits that it absolutely does not stand to reason that as to why the petitioner would have put the dead body in the car and thereafter would have brought to Uttar Pradesh for disposing it off, when the place from where the dead body was recovered is about 120 km from the house of the petitioner and there are various police check posts on the way. It is next submitted that from perusal of the case diary, it would manifest that there is absolutely no investigation on the issue that as to whether the petitioner had hired the Bolero or not for disposing of the dead body. It is also submitted that during the course of investigation, the statement of the relatives of the deceased was recorded on 7-12-2023 and thereafter charge sheet came to be submitted against the petitioner on 6-2-2024. It is next submitted that in between 7-12-2023 and 6-2-2024, no statement of any independent witnesses were recorded,



as such the police, based on investigation, which was carried out on 7-12-2023, submitted the charge sheet finding the case to be true against the petitioner based on his confessional statement.

8. The learned counsel for the petitioner next submits that in the post-mortem also, the doctor opined that the deceased was strangled to death and found marks of violence on the body, but then it is submitted that the body of the deceased was already recovered on 5-12-2023 and thereafter the confessional statement of the petitioner was recorded, wherein he was made to confess that he killed the deceased by throttling. It is fairly submitted that charges have been framed and trial has commenced and one witness has been examined. It is next submitted that in the nature of investigation, which has been carried out, it can be safely culled out that there is no material in the case diary to connect the petitioner with the offence.

9. The learned APP and the learned counsel appearing on behalf of the informant opposes the bail application but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that no statement of any independent witness was recorded in the case diary after 7-12-2023 rather based on the investigation made on 7-12-2023 only, the charge sheet came to be submitted. The learned APP



fairly submits after perusing the case diary that no material was collected during the course of investigation to find out that as to whether a Bolero vehicle was hired by the petitioner for disposing off the dead body or not.

10. After hearing the learned counsel for the parties, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Thawe P.S. Case No. 362 of 2023.

11. One of the bailors of the petitioner shall be his brother-in-law, Pintu Singh.

12. It is made clear that the petitioner will have to attend the trial on each and every date and if the petitioner, for some reason, is not able to attend the trial on a particular date, in that event the petitioner will have to seek exemption from the court, for which an application must be filed from before, failing which the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

13. It is further made clear that if the learned trial court comes to a conclusion that the petitioner after his release is trying to delay the trial in any manner in that event also the



learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

14. The personal appearance of the S.H.O, Thawe Police Station, Gopalganj is dispensed with.

(Satyavrat Verma, J)

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