

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42631 of 2023

Arising Out of PS. Case No.-400 Year-2023 Thana- KHAJANCHI HAT District- Purnia

Tapas Kumar Das @ Tapas Das, S/O Late Narendra Das @ Narendra Chandra
Das R/O Village- Gud Milki, P.S- K. Hat (Maranga), Distt.- Purnea.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Rashmi Jha
		Mr. Abhishek Kumar
For the Opposite Party/s	:	Mr. Chandra Bhushan Prasad- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 02-04-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Section 302 of the Indian Penal Code.

3. The learned counsel for the petitioner submits
that the petitioner is a person with clean antecedent and has
been falsely implicated in the instant case by the informant,
who is brother of the deceased and brother in-law of the
petitioner. The learned counsel next submits that informant
alleges that his sister was married to the petitioner about 10
years ago and was blessed with one daughter and a son.



Further, alleges that on 29.03.2023 at about 6.30 A. M., he received an information that his sister committed suicide and thereafter, he along with his relatives went to the matrimonial home and found her dead body lying in the courtyard with mark on her neck along with mark of blood clotting in the body.

4. The learned counsel for the petitioner submits that what is not in dispute rather stands admitted that the marriage in between the petitioner and the deceased was performed 10 Years ago, out of the wedlock, two children were born. Further, in between these 10 years, no case came to be instituted either at the instance of the deceased or the informant regarding torture being committed by the petitioner on the deceased. It is further submitted the deceased was short tempered lady and at times, there used to be quarrel in between the husband and wife, but then, the quarrels were more in nature of trivial dispute and the petitioner even used to take good care of the deceased. It is also submitted that during the course of investigation, it transpired that there was a dispute in between the petitioner



and the deceased with regard to a SIM of the mobile on account of which, an altercation took place in between them and the petitioner in a hush, left the house and thereafter, the deceased being aggrieved by the conduct of the petitioner locked herself inside the room and committed suicide.

5.The learned counsel for the petitioner next submits that during the course of investigation, the statement of the elder daughter of the deceased was recorded at Para-19 of the case diary wherein she has also stated that there was a quarrel in between the petitioner and the deceased regarding SIM of a mobile on account of which, her father left the house and the deceased locked herself inside the room, but prior to that she gave some money to the children for purchasing certain articles, hence, they left the house, thereafter the deceased locked herself inside the room and committed the occurrence.

6.The learned counsel for the petitioner thus submits that normal wear and tear of life has been given a colour of criminal case when in these ten years after



marriage, no complaint of any nature came to be instituted against the petitioner.

7. Learned A.P.P. Sri Chandra Bhushan Prasad opposes the anticipatory bail application, but fairly submits after perusal of the case diary that the daughter of the deceased's statement was recorded, who has also stated that there was a quarrel in between the petitioner and the deceased on account of which, he left the house and thereafter, the deceased locked herself inside the room and committed the occurrence. At this stage, the learned counsel for the petitioner submits that during the course of investigation, it has also come that the witnesses have stated that the room was locked from inside. The said submission is not disputed by the learned A.P.P.

8. 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 Chief
Judicial Magistrate, Purnea in connection with K. Hat
(Maranga) P. S. Case No.400 of 2023, subject to the
conditions laid down under Section 438(2) of the Cr.P.C.

9. The application stands allowed.

(Satyavrat Verma, J)

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