

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52389 of 2024

Arising Out of PS. Case No.-64 Year-2024 Thana- ROSERA District- Samastipur

Shangit Kumar, S/o- Late Sachida Nand Jayswal @ Sachchidanand Jaiswal
R/o- Rosera, Ward No.18, P.S. Rosera, District-Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Vijay Anand, Advocate
For the State	:	Mrs.Asha Devi, APP
For the Informant	:	Mr. Harshit Griyaghey, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 26-10-2024 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

2. In the present case, the petitioner seeks bail in connection with Rosera P.S. Case No. 64 of 2024, registered for the alleged offences under Sections 304(B)/498(A)/34 of the Indian Penal Code.

3. As per prosecution case, the petitioner was married with the daughter of the informant on 08.12.2023 and she died in her matrimonial home on 09.03.2024. There is allegation of demanding Rs. 5 lacs as dowry by the petitioner and sister-in-law of the deceased and ultimately, the daughter of the informant was killed due to non-fulfillment of demand.

4. The learned counsel for the petitioner submits that



the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. The learned counsel further submits that marriage of the daughter of the informant and the petitioner was not an arranged marriage rather it was love marriage, so allegation of demanding any dowry is not believable. The wife of the petitioner was depressed and committed suicide and this fact is clear from the port mortem report, which shows cause of death to be asphyxia caused by hanging. No other injury, even no abrasion, was found on the body of the deceased. The petitioner has been made accused in this case merely on suspicion and from the FIR, it is also clear that it was the petitioner who informed the informant about the death of her daughter. The petitioner is in custody since 10.03.2024 and is having clean antecedent. The charge sheet has been submitted.

5. Learned A.P.P. as well as learned counsel appearing on behalf of the informant vehemently oppose the submission made on behalf of the petitioner. The learned counsel for the informant submits that no material has been brought on record to show that the deceased was suffering from depression. The learned counsel further submits that the death occurred within seven years of marriage in the matrimonial home of the



deceased and the onus shifts on the petitioner to prove is innocence.

6. Having regard to the facts and circumstances of the case and submissions made here-in-above and considering the fact that the death occurred due to asphyxia caused by hanging and further considering the doubtful nature of allegation against the petitioner and also considering the period of custody of the petitioner, submission of charge sheet and his clean antecedent, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1, Rosera, Samastipur, in connection with Rosera P.S. Case No. 64 of 2024, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail,



the bail bond of the petitioner will be liable
to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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