

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50719 of 2024

Arising Out of PS. Case No.-53 Year-2024 Thana- BUXAR INDUSTRIAL District- Buxar

Amit Singh @ Amit Kumar Singh @ Bunty Singh @ Bunty Son of
Omprakash Singh R/o Village- Dullahpur, P.S.- Simri, District- Buxar, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prashant Kumar
For the Opposite Party/s : Mr. Ram Sevak Choudhary
For the Informant : Mr. Dineshwar Pandey

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 25-09-2024 1. Heard learned counsel for the petitioner, learned
APP for the State and the learned counsel appearing on behalf of
the informant.

2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 304B, 34 of the Indian Penal Code.

3. The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent.

4. It is next submitted that the informant alleges that her daughter was married to the petitioner on 23.04.2017 and the father of the petitioner from the date of marriage itself started demanding 1 *Katha* of land at Buxar, however, the accused persons were pacified and the marriage was



solemnized. It is next alleged that after marriage, the accused persons including the petitioner started pressurizing her daughter to ask the informant to sell some land and to give money, as such, the informant sold some land and gave money to the petitioner, thereafter, again the accused persons started demanding Rs. 25 lacs for purchasing 1 *Katha* of land at Buxar, but the informant was not in a position to fulfil their demand. It is next alleged that petitioner is posted as Havildar in BSF and is a drunkard and used to assault her daughter on instigation of his parents, it is further alleged that the informant and her family members pacified the issue, but on 19.03.2024 at 05:30 p.m. Amit Singh (petitioner) and his father called Bhanu Pratap Singh, the other son-in-law of the informant asked him to come near Kathkauli crossing and when Bhanu reached Kathkauli crossing, he was informed by Amit and his parents that the victim has died on which Bhanu informed the informant, thereafter the informant along with others reached the place of occurrence and they saw the dead body of her daughter with legs on the floor and a rope was around her neck tied to the fan, thus, alleges that her daughter was killed by the accused persons.

5. Learned counsel for the petitioner submits that



petitioner, being the husband, has been falsely implicated in the instant case by the informant. It is next submitted that the entire allegation hinges around suspicion and the informant is not an eye-witness to the occurrence. It is also submitted that from perusal of the allegation as alleged in the FIR, it would manifest that though the informant alleges that she sold the land and gave money to the petitioner but then does not disclosed the area of land sold and how much money was given to the petitioner after selling the land. It is next submitted that it was the petitioner who had informed about the occurrence to the informant and her family members, but then in the FIR, it is alleged that petitioner called Bhanu and informed him who in turn informed the informant. It is next submitted that it absolutely does not stand to reason that why the petitioner would not have disclosed directly to the informant about the death of the victim when he is alleged to have disclosed the occurrence first to Bhanu. It is also submitted that petitioner was married to the deceased on 23.04.2017 and after marriage, most of the time remained at his place of posting i.e. at the borders of India. It is further submitted that after the marriage, the victim was not able to conceive for which she was under treatment since 2018 as would manifest from (*Annexure-P/3* series), to the anticipatory



bail application. It is also submitted that since victim was not conceiving, as such, she was under depression and committed suicide. The learned counsel submits that one of the sister of the victim/deceased is a widow and after marriage of the petitioner with the deceased, the petitioner and the deceased were taking care of the major son of the sister of the deceased who was staying with them and preparing for examination namely, Rohit. It is also submitted that on the date of occurrence, the petitioner had gone to drop Rohit to the station and the said fact also has come during the course of investigation. It is next submitted that during the course of investigation, it got established that Rohit (son of the sister of the deceased), was staying in the house of the petitioner and on the date of occurrence, he was present in the house and Rohit in his statement recorded under Section 161 Cr.P.C. has stated that petitioner, on the date of occurrence had gone to drop him to the railway station.

6. It is thus submitted that why the petitioner would have demanded dowry from the deceased when he was also taking care of the child of the widowed sister of the deceased. It is next submitted that even the informant has realised her mistake and she does not intend to pursue the case and has filed a compromise petitioner dated 13.05.2022 (*Annexure P/4* to the



anticipatory bail application).

7. Learned counsel appearing on behalf of the informant, Mr. Dineshwar Pandey concurs with the submission of the learned counsel appearing on behalf of the petitioner and submits that he has instruction of the informant not to oppose the anticipatory bail application of the petitioner and a compromise petitioner has been filed.

8. The learned APP, after hearing the learned counsel for the parties submitted that offence under Section 304B is not compoundable, as such, compromise does not have any meaning. It is also submitted that what is not disputed rather stands admitted is that the daughter of the informant died whether the death was suicidal, homicidal or accidental is an aspect of investigation and if the privilege of anticipatory bail is granted to the petitioner, the investigating authority may not be in a position to investigate the case properly, as the petitioner may not co-operate in the investigation, on which the learned counsel appearing on behalf of the petitioner submits that petitioner will not abscond rather will cooperate in the investigation and present himself as and when required in order to prove his innocence.

9. Considering the submissions made by the learned



counsel for the petitioner and the O.P. No. 2 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. 25,000 /- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Buxar in connection with Buxar (Industrial) P.S. Case No. 53 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

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

11. The application stands allowed.

(Satyavrat Verma, J)

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