

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56048 of 2024

Arising Out of PS. Case No.-4 Year-2024 Thana- BIND District- Nalanda

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Dinesh Prasad Son of Late Rambalak Raut R/o Village - Jahana, P.S.- Bind,
District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s :	Mr. Pawan Kumar Chaurasia, A.P.P.
	Mr. Amish Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 5 07-10-2024 1. Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel appearing on behalf of the informant.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code.
3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that on 13.01.2024 at 05:30 p.m. he received an information that his daughter has died, accordingly, on receiving the said information he went to the matrimonial home of his daughter where he found the dead body of his daughter lying in the Varandah, thereafter he inquired from people around when it was disclosed that both brothers of petitioner and his mother



have fled away from the house. It is further alleged that the deceased earlier used to call and inform that her husband, brother-in-law and mother-in-law always assaults her and commits torture, thus, alleges that the accused persons killed her daughter. It is next alleged that the daughter of the informant was married to the petitioner in the year 2014 and from the wedlock two children were born and the daughter of the deceased also informed that father, uncle and grandmother used to assault her.

4. Learned counsel for the petitioner submits that petitioner, being the husband, has been falsely implicated in the instant case by the informant. It is further submitted that the marriage was ten years old and in between these ten years no case ever came to be instituted against the petitioner or his family members by the deceased or the informant alleging torture. It is next submitted that though the informant alleges that his daughter used to call and inform him about the torture being meted out to her but then no action was taken which further casts an aspersion on the case of the prosecution that as to whether the daughter ever informed the informant of any torture being meted out to her or it is his figment of imagination. It is also submitted that no doubt in the FIR it is alleged that the



daughter of the deceased also informed that the accused persons including the petitioner used to assault her mother but then it is submitted that it absolutely does not stand to reason that why no action earlier was taken or any case filed. It is thus submitted that it appears that the allegation is exaggerated in order to give a serious colour to the case.

5. Learned counsel next submits that the case was taken up earlier on 30.09.2024 when the investigating officer of the case in compliance of the order dated 02.09.2024 was present in the Court and it was submitted by the investigating officer of the case that viscera was sent to FSL for examination but then the FSL records that no poisoning was found in the body of the deceased but the final postmortem report till that date had not come on which the Court had directed the investigating officer of the case to remain physically present on 07.10.2024 i.e. today with the final postmortem report.

6. Today when the case has taken up, the learned A.P.P. submits that the final postmortem report has come and the cause of death is said to be sudden cardiac arrest.

7. Learned counsel for the petitioner, thus, submits that the moment death of the wife takes place, the husband become culpable automatically. It is further submitted that



petitioner will not abscond rather will cooperate in the investigation to prove his innocence that he was not involved in the occurrence. It is submitted that even petitioner was not present at the place of occurrence when his wife died.

8. Learned counsel appearing on behalf of the informant opposes the anticipatory bail and submits that the husband has to furnish an explanation as to what happened on the day of occurrence leading to death of the deceased but then is not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that the marriage was more than 10 years old and in these 10 years no case ever came to be instituted either by the informant or the deceased alleging torture.

9. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

10. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the



case is pending/successor court in connection with Bind P.S.
Case No. 04 of 2024, subject to the conditions as laid down
under Section 438 (2) of the Cr.P.C.

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

12. The personal appearance of the Investigating Officer
of the case is dispensed with.

(Satyavrat Verma, J)

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