

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55313 of 2024

Arising Out of PS. Case No.-156 Year-2023 Thana- SHEKHPURA COMPLAINT CASE
District- Sheikhpura

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Jay Prakash Raut, son of Vidya Prakash, Village- Mandra, P.S.- Roh, Dist-
Nawada

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kanchan Kumar Nilam, son of Parmeshwar Prasad, Moh- Madpasauna
Commissionary, P.S.- Sheikhpura, Dist- Sheikhpura

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bipin Kumar, Advocate Ms. Vanshika Nupur, Advocate
For the State	:	Mr. Awadhesh Kumar Singh, APP
For the Opp. Party No.2	:	Mr. Pramod Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 17-12-2024 Heard Mr. Bipin Kumar, learned Advocate for the

petitioner and the learned APP for the State. The informant is

represented through Mr. Pramod Kumar, learned Advocate

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 156C of 2023 (arising out
of Sheikhpura P.S. Case No. 289 of 2019) registered for the
offences punishable under Sections 304B and 34 of the Indian
Penal Code.

3. Allegedly the marriage of the daughter of the
informant was solemnized with the petitioner in the year 2017.
On account of non-fulfillment of demand of dowry, she was



subjected to torture in various ways and finally ousted from the matrimonial home. While the daughter of the informant was residing in her *Maika*, she went in depression and on 23.06.2019 she committed suicide. It is the specific allegation of the informant that on account of torture given by the petitioner and his family members, she hanged herself and committed suicide.

4. Learned Advocate for the petitioner contended that in fact initially the informant had instituted Sheikhpura Town P.S. Case No. 289 of 2019 with the similar allegation wherein the police after investigation submitted final report showing the petitioner and others as innocent. The aforesaid final report has been duly accepted by the jurisdictional court. However, in the meantime, the informant has filed a Complaint cum-Protest petition, bearing no. 156(C) of 2023 wherein after examination of the witnesses, cognizance has been taken for the offence punishable under Section 304(B)/34 of the Indian Penal Code, hence the present anticipatory bail. Drawing the attention of this Court to the Complaint-cum-protest petition, it is submitted that admittedly the deceased was residing in her *Maika* for last nine nine months from the date of occurrence, where she committed suicide. It is also the contention of the petitioner that the deceased was suffering from serious ailment and there might be



other reasons, which compelled her to commit suicide, for which the petitioner cannot be held responsible. It is lastly contended that be that as it may the petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the proceeding of the court.

5. On the other hand, learned APP for the State opposes the bail application and submits that because of demand of dowry and torture the deceased has been compelled to hang herself and the petitioner being the husband of the deceased is wholly responsible for the same. All the witnesses of the complaint-cum-protest petition have supported the prosecution case.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the police after investigation has submitted final form, which has been duly accepted by the jurisdictional court and the cognizance has been taken in a complaint-cum-protest petition, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of



learned Judicial Magistrate, 1st Class, Sheikhpura in connection with Complaint Case No. 156C of 2023 (arising out of Sheikhpura P.S. Case No. 289 of 2019), subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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