

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59026 of 2024

Arising Out of PS. Case No.-195 Year-2023 Thana- MAHARAJGANJ District- Siwan

Nitish Kumar @ Nitish Kumar Singh son of Lal Bihari Singh Village-
Paterah, Police Station- Maharajganj, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 59940 of 2024

Arising Out of PS. Case No.-195 Year-2023 Thana- MAHARAJGANJ District- Siwan

1. Bhikhari Singh S/o Lal Bihari Singh R/o Village- Paterah, Police Station-
Maharajganj, District- Siwan
2. Savitri Devi W/o Lal Bihari Singh R/o Village- Paterah, Police Station-
Maharajganj, District- Siwan
3. Rinki Devi @ Rinku Devi D/o Lal Bihari Singh R/o Village- Paterah, Police
Station- Maharajganj, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 59026 of 2024)
For the Petitioner/s : Mr. Raghav Prasad, Adv.
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP
(In CRIMINAL MISCELLANEOUS No. 59940 of 2024)
For the Petitioner/s : Mr. Raghav Prasad, Adv.
For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

- 329-11-2024
- Heard Mr. Raghav Prasad, learned Advocate for the
petitioners and the learned Additional Public Prosecutor for the
State.
2. Since both the matters are arising out of same P.S.

Case and, as such, with the consent of the parties both the application are being heard together and disposed off by this common order.

3. The petitioner in Cr. Misc No. 59026 of 2024 happens to be husband of the deceased, whereas petitioners in Cr. Misc No. 59940 of 2024 are brother-in-law, mother-in-law and sister-in-law respectively, who are apprehending their arrest in connection with Maharajganj P.S. Case No. 195 of 2023, registered for the offences punishable under Sections 304(B), 302 and 34 of the Indian Penal Code.

4. Based upon the written report, the prosecution alleges that the marriage of the sister of the informant was solemnized with the petitioner Nitish Kumar @ Nitish Kumar Singh on 10.05.2023. After 15 days of the marriage, the deceased returned to her father's house (*Mayka*) and thereafter, she was brought to her matrimonial home by father-in-law and husband. It is alleged that soon after the marriage, the accused persons started demanding four wheeler in dowry and threatened that in case of non-fulfillment of the demand, she would be killed. It is further alleged that on 14.07.2023, the informant was informed that her sister has committed suicide, whereupon the informant along with the police reached at the

place of occurrence and saw the deceased lying dead on the bed.

5. Learned Advocate appearing on behalf of the petitioner drawing the attention of this Court to the FIR submitted that admittedly, the marriage was solemnized on 10.05.2023 and the deceased died just within two months and, as such, it is highly improbable that even there was any demand of four wheeler and the same could not be fulfilled. In such circumstances, the deceased shall be done to death in such a small span of time. Learned Advocate for the petitioners further drawn the attention of this Court to the postmortem report and submits that there is no mark of violence over the body of the deceased and the cause of death shown to be asphyxia leading to cardio respiratory failure due to hanging. During the course of investigation, the statements of independent witnesses have also been recorded, wherein they have categorically stated that the deceased committed suicide and when the police came there, they opened the door and thereafter, her dead body was found hanging.

6. On the other hand, learned Advocate for the informant vehemently opposed the pre-arrest bail application and submits that the death of the deceased within two months of the marriage clearly suggests that under compelling

circumstances she has committed suicide. Since the occurrence has taken place within the matrimonial premise, it is the petitioners who are responsible.

7. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioners in Cr. Misc. No. 59940 of 2024 are brother-in-law, mother-in-law and sister-in-law and there is no specific allegation against them, let the petitioners (***Bhikhari Singh, Savitri Devi and Rinki Devi***) in Cr. Misc. No. 59940 of 2024 above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) **each** with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. VI, Siwan. in connection with Maharajganj P.S. Case No. 195 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

8. So far the petitioner (***Nitish Kumar @ Nitish Kumar Singh***) in Cr. Misc. No. 59026 of 2024 is concerned, he is the husband of the deceased and, as such, this Court finds that he was under obligation to take care of his wife, but he failed to

do so. This Court is not inclined to accede the grant of anticipatory bail of the aforementioned petitioner and, as such, his prayer for bail is rejected.

9. The petitioner is directed to surrender before the Court Below and seek for regular bail. In case, such application is filed, it shall be considered without being prejudiced by the order of rejection of this Court.

(Harish Kumar, J.)

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