

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67379 of 2023

Arising Out of PS. Case No.-175 Year-2023 Thana- KHANPURA District- Samastipur

Vikash Kumar Singh @ Vikku Singh, S/O Late Naresh Singh @ Ram Naresh
Singh Village- Fatehpur, Ward No. 4, Ps. Khanpur, Dist. Samastipur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Roy

For the Opposite Party/s : Mr.Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 21-02-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 498A, 304B and 34 of the Indian Penal Code.

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and being
husband, has been falsely implicated in the instant case. It is
next submitted that from perusal of the allegation as alleged in
the F.I.R., it would manifest that the informant alleges that the
petitioner was married to the deceased in the Year 2012 and
after marriage, the deceased was being tortured for dowry and
on account of non-fulfilment of the demand, she was abused and
threatened. It is further alleged that on 29.05.2023, the petitioner



informed the informant that her daughter has consumed poison. Accordingly, she came to the place of occurrence where she saw the dead body lying and the family members of the deceased had fled. It is next alleged that the body was sent for post mortem to Sadar Hospital, Samastipur. It is next alleged that the informant suspects that the accused persons may kill her maternal grand-daughter and grandson aged about six years and three years.

4. The learned counsel for the petitioner submits that being husband, the informant implicated the petitioner in a mechanical manner. It is also submitted that the marriage was nearly 11 years old and in these 11 years, no case ever came to be instituted either by the deceased or the informant alleging torture by the petitioner or his family members for dowry. It is also submitted that the informant herself in the F.I.R. has stated that she was informed by the petitioner that her daughter has consumed poison and when she reached the place of occurrence, she saw the dead body of her daughter lying. It is next submitted that if the petitioner or his family members would have committed the occurrence, in that event, they would never have informed the informant rather would have made endeavour to dispose of the body by cremating the same, but then, post



mortem of the body was also conducted, which further goes to demonstrate the bonafide of the petitioner. It is next submitted that petitioner, being husband, should not be mechanically dealt by the Court. It is next submitted that petitioner will not abscond rather will cooperate in the investigation.

5. Learned A.P.P. opposes the bail application.

6. Considering the submissions made by the learned counsel for the petitioner, 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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Chandra Bhushan Bharat, the learned Judicial Magistrate, 1st Class, Samastipur in connection with Khanpur P. S. Case No.175 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. However, it is made clear that in the event, if any application is filed by the Investigating Officer before the learned trial Court bringing to its notice that petitioner, despite giving assurance to this Court, is not cooperating in the investigation or is not presenting himself as and when required,



the learned trial Court shall be at liberty to cancel the bail bonds
of the petitioner after recording reasons.

(Satyavrat Verma, J)

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