

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69415 of 2023

Arising Out of PS. Case No.-277 Year-2023 Thana- AHYAPUR District- Muzaffarpur

Sudhir Kumar @ Sudhir Kumar Singh Sitaram Singh R/O- Village- Basant Jagjeewan, Ps- Puranhiya, District- Sheohar, At Present, Mohalla Adarsh Gram, Road No- 01, Kholua Paigamberpur, Ps- Ahiyapur, Distt- Muzaffarpur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar

For the Opposite Party/s : Mr. Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 6 13-05-2024 1. Heard learned counsel for the petitioner and learned A.P.P. for the State along with the learned counsel appearing on behalf of the informant.
2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 498A, 328, 302 and 34 of the Indian Penal Code.
3. Learned counsel for the petitioner submits that the petitioner being the husband of the informant has been falsely implicated in the instant case. It is next submitted that the petitioner earlier was married to Anuradha Singh and out of the wedlock, two children were born. It is further submitted that Anuradha Singh died in the year 2016, thereafter, the petitioner married the daughter of the informant.



4. It is further submitted that the marriage was performed without concealing the fact that the petitioner was married from before and had two children out of the said wedlock. It is next submitted that the petitioner was not aware that the deceased was suffering from psychiatric issues, but after marriage, when he came to know about her psychiatric problem, the petitioner got her treated at S.K.M.C.H., Muzaffarpur as would be evident from Annexure-3 to the anticipatory bail application. It is also submitted that petitioner after retiring from the Army, presently is working with the police as a driver and the instant F.I.R. came to be instituted by the informant alleging that his daughter was killed by the petitioner and his two sons, but then, it is submitted that from perusal of Annexure-5 to the anticipatory bail application, it would manifest that the victim was admitted for treatment at Prashant Memorial Charitable Hospital. It is further submitted that the had the petitioner or his sons been involved in the occurrence then the natural conduct would have been to make effort to dispose of the dead body but taking the victim to the hospital for treatment amply demonstrates that the petitioner was not involved in the occurrence. It is also submitted that during the course of investigation, it has also come that the petitioner on the date of



occurrence was not present at his house rather was performing his duty and the sons of the petitioner had taken the victim to the hospital for treatment. It is thus submitted that the conduct of the petitioner should also be taken into consideration while considering the anticipatory bail application of the petitioner and should not be rejected in a mechanical manner.

4. Learned A.P.P. submits that the case diary and the postmortem report was called for but only the case diary has been received and the postmortem report is still awaited but then submits that the petitioner is husband and he is alleged to have killed the deceased by poisoning.

5. The learned counsel appearing on behalf of the informant also concurs with the submissions of the learned APP and further submits that since petitioner presently is working with the police force, as such, the Investigating Officer of the case manipulated the investigation in his favour. It is also submitted that allegation is of killing the deceased by poisoning, on which, the learned counsel appearing on behalf of the petitioner submits that allegation of poisoning is there but then petitioner was not present at the place of occurrence and even presuming what has been alleged is true without admitting then it is not in dispute that victim was not taken to the hospital for



treatment. The learned counsel appearing on behalf of the informant is not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that the victim was taken to the hospital for treatment and she died during the course of treatment.

5. 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 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 trial court where the case is pending/successor court in connection with Ahiyapur P.S. Case No.277/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

amit/-

U		T	
---	--	---	--

