

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78925 of 2023

Arising Out of PS. Case No.-862 Year-2022 Thana- NAGAR District- Vaishali

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BRAJESH KUMAR @ BRAJESH KUMAR SINGH @ DR. BRAJESH KUMAR SINGH S/O RAJENDRA PRASAD SINGH RESIDENT OF VILLAGE- ANDAR KILA, P.S.- HAJIPUR TOWN, DISTRICT- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Y.C. Verma, Sr. Adv
Mr.Sunil Kumar Singh
For the Opposite Party/s : Mr.Suman Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

6 10-05-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner is apprehending arrest in connection with Hajipur Town P.S. Case No. 862/2022 lodged on 14.11.2022 for offences punishable under Section 498A and 304/34 of the Indian Penal Code.

3. As per the prosecution story F.I.R. has been lodged against three named accused persons including the present petitioner. From the F.I.R., it transpires that informant has lodged this case against the petitioner and others that her sister was subject to torture and she has been made to consumed wrong medicines also proper treatment was not provided to her and after complete deterioration of the mental condition of the



informant's sister died. It is also alleged by the informant that the petitioner use to keep her sister in flat but he used to live with another lady and due to continuous torture, informant's sister was killed by the petitioner and others.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He further submits that entire allegation made in the F.I.R. is absurd. He submits that the informant himself disclosed in the F.I.R. that marriage was solemnized in the year 2011 i.e. more than seven years has been lodged and there is no question of offence under Section 304B. Counsel further submits that it has also been admitted from the petitioner and informants that informant's sister was blessed with one son aged about 11 years and one daughter aged about 2 and half year of the deceased. Counsel further submits that the basic allegation of providing wrong medicine is there. In this regard counsel submits that Annexure-2 is post-mortem report. From the post-mortem report, it becomes clear that there is no external and internal injury found in the body. There was no any identity of tying hand and leg can be seen. He further submits that vide Annexure-3 series, the report has come that since 2016 onwards, the alleged deceased was suffering from the old case of Schizophrenia. He submits



that she has been treated from different doctors and as per their advice continuous treatment of the deceased was going on. Counsel submits that in the hospital also, the treatment of the deceased has been made at Hajipur as well as PMCH Patna and with this regard, annexures are attached in the petition. Counsel submits that other co-accused persons has moved before this Hon'ble Court have been granted bail by this Hon'ble Court vide order dated 20.09.2023 passed in Cr. Misc. No. 58328 of 2023. Counsel further submits that antecedent of the petitioner is not clean. He has one antecedent which has been filed later by way of supplementary affidavit in which compromise took place.

5. Learned APP for the State opposes the prayer for bail and submits that it is the case in which husband who is doctor by profession has continuously tortured his wife for a long period only in lust of another lady to whom he wants to marry. He further submits that it is true that police had not lodged case either under Section 304B or either under Section 302 but during investigation, police has whispered in one of the Paragraph that it appears to be murder.

6. Upon specific query made by this Court that whether charge-sheet has been filed under Section 302 of the



I.P.C. or not, counsel for the state fairly denied that as per his knowledge, charge-sheet has not been filed under Section 302. This Court has further put specific query that whether the evidences of the son of the deceased aged about 11 years has been recorded or not, he fairly denied and mentioned that there is no such evidence.

7. As such, considering the aforesaid facts and circumstances, let the above named petitioner be released on bail, in the event of arrest of surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs. 30,000/- (Thirty Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M Vaishali subject to the condition as laid down under Section 438(2) Cr.P.C.

(Dr. Anshuman, J)

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