

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81900 of 2024

Arising Out of PS. Case No.-55 Year-2021 Thana- UCHKAGAON District- Gopalganj

1. Srikrishna Singh @ Krishna Singh S/O Sri Prem Singh R/O Village- Mudadih, P.S- Uchkagaon, Distt.- Gopalganj. At Present resided at - RZ-51/350, Jagdamba Bihar, West- Sagarpur, P.S- Sagarpur, Distt.- New Delhi-110046.
2. Prem Singh S/O Late Mangal Singh R/O Village- Mudadih, P.S- Uchkagaon, Distt.- Gopalganj. At Present resided at - RZ-51/350, Jagdamba Bihar, West- Sagarpur, P.S- Sagarpur, Distt.- New Delhi- 110046.
3. Manju Devi W/O Sri Prem Singh R/O Village- Mudadih, P.S- Uchkagaon, Distt.- Gopalganj. At Present resided at - RZ-51/350, Jagdamba Bihar, West- Sagarpur, P.S- Sagarpur, Distt.- New Delhi- 110046.
4. Jagmohan Singh S/O Sri Prem Singh R/O Village- Mudadih, P.S- Uchkagaon, Distt.- Gopalganj. At Present resided at - RZ-51/350, Jagdamba Bihar, West- Sagarpur, P.S- Sagarpur, Distt.- New Delhi- 110046.
5. Khushboo Kumari @ Khushbu Kumari D/O Sri Prem Singh R/O Village- Mudadih, P.S- Uchkagaon, Distt.- Gopalganj. At Present resided at - RZ-51/350, Jagdamba Bihar, West- Sagarpur, P.S- Sagarpur, Distt.- New Delhi-110046.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyendra Rai, Adv.
For the Opposite Party/s : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-12-2024 Heard the learned Advocate for the petitioners and the learned APP for the State.

2. The petitioners apprehend their arrest in connection with Uchkagaon P.S. Case No. 55 of 2021, registered for the offences punishable under Sections 304(B), 498(A) and 120(B) of the Indian Penal Code.



3. Based upon the complaint case, the FIR has been registered, alleging therein that the marriage of the daughter of the informant was solemnized with the petitioner no. 1 on 01.05.2019. Soon after the marriage, there was a demand of dowry and on account of non fulfillment of the same, she was tortured in various ways. It is further alleged that the daughter of the informant was taken to Delhi by her son-in-law and all the accused persons tortured there also. In the meantime, the victim fell ill, but the accused person did not provide her good medication and on 17.10.2020, the informant came to know that the deceased was done to death.

4. Learned Advocate for the petitioners drawing the attention of this Court to the FIR submitted that after the death of the deceased, an information was given to the local police station and the post-mortem was also conducted. However, during the course of investigation, the cause of death has not been ascertained and, as such, the viscera has been sent to the Forensic Science Laboratory. There was no external injuries over the body of the deceased. Taking note of all the fact, the FIR has not been instituted. Subsequently, after about three months, a complaint has been instituted by the informant, which has later on sent to the concerned police station under Section



156(3) and accordingly, the present FIR has been instituted. It is the specific contention of the petitioners that during the course of investigation, it has come that the deceased died on account of illness. The date of occurrence is said to be 17.10.2020, but the present complaint has been instituted after a delay of three months, without there being any explanation. The petitioner no. 1 happens to be husband of the deceased, whereas petitioner nos. 2 - 4 are in-laws persons. In support of the medical treatment of the deceased, the prescriptions issued by the Deen Dayal Upadhyay Hospital, Hari Nagar, New Delhi have also been placed on record as Annexure-P/2 series.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the deceased died within two years of the marriage in abnormal circumstances and soon before the death, there was a demand of dowry and, as such, the presumption of dowry death cannot be ruled out.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the FIR, coupled with the post-mortem report, which does not suggest any external injuries, as also the materials collected during the course of investigation, let the petitioners 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.-IX, Gopalganj in connection with Uchkagaon P.S. Case No. 55 of 2021, 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.

(Harish Kumar, J)

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