

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81932 of 2024

Arising Out of PS. Case No.-526 Year-2024 Thana- HAJIPUR SADAR District- Vaishali

1. Ravindra Thakur S/o Rajeshwar Thakur, R/o vill - Saidpur Laguniya, P.S. - Patori, Distt.- Samastipur
2. Ashutosh Kumar @ Golu Kumar, S/o Ravindra Thakur R/o vill - Saidpur Laguniya, P.S. - Patori, Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Surendra Kishore Thakur, Adv.
For the Opposite Party/s	:	Mr. Prem Kumar Jha, APP
For the Informant	:	Mr. Manish Chandra Gandhi, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

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

2. The petitioners apprehend their arrest in connection with Hajipur Sadar P.S. Case No. 526 of 2024 registered for the offences punishable under Sections 80(2) and 3(5) of the B.N.S, 2023.

3. Based upon the written report, it is alleged that the marriage of the daughter of the informant was solemnized with the son of the informant on 02.05.2022. Soon after the marriage, she was subjected to demand of dowry of Rs. 25 lacs. However, on account of non-fulfillment of the same, she was tortured in various ways and finally done to death on 29.07.2024. It is



further alleged that the informant received an information that the petitioners along with their family members killed her daughter whereupon she rushed to her matrimonial home and found the dead body of her daughter.

4. Learned counsel for the petitioners referring to the FIR, primarily contended that petitioner no.1 happens to be father-in-law whereas petitioner no.2 is unmarried brother-in-law (*Dewar*) of the deceased. In fact, on the fateful day, on account of some altercation between the husband and wife, the deceased committed suicide. The postmortem of the deceased was also conducted wherein no external injury was found and the cause of death has been shown to be asphyxia may be due to hanging caused by ligature flexible substance. On being found no specific reason for death, the viscera has been sent to the Forensic Science Laboratory. It is next contended that so far petitioner no.1 is concerned, he is a Government Teacher and posted at Patori whereas the deceased and all the family members were residing at Hajipur. In order to attend the school, the petitioner no.1 used to go by train to his service, which is at the distance of 50 Km. and on the date and time of alleged occurrence, he was in his school, is the contention of the learned counsel for the petitioners. It is lastly contended that be that as it



may, the husband of the deceased and the mother-in-law are behind the bar. Moreover, the petitioners bear fair antecedent.

5. On the other hand, learned counsel for the State as well as learned counsel for the informant vehemently opposed the bail application and submitted that the death has caused within 2 years and two months of the marriage in an abnormal circumstances and soon before the death, there was a demand of dowry and, as such presumption of dowry death cannot be ruled out. The ligature mark over the neck of the deceased clearly suggests that she was either strangled or hanged.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that petitioner no.1 happens to be father-in-law whereas petitioner no.2 is brother-in-law of the deceased, apart from the omnibus nature of allegation and the postmortem report which suggests no external injury over the body of the deceased and the cause of death is said to be asphyxia may be due to hanging caused by ligature flexible substance, coupled with the fact that petitioner no. 1 is a Government servant and further both the petitioners bear fair antecedent, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing



bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 526 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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