

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2940 of 2025

Arising Out of PS. Case No.-1125 Year-2024 Thana- NAWADA District- Nawada

Raushan Kumar @ Rakesh Raushan @ Rakesh Kumar Son of Late Umakant Singh, R/o village- Nurdichak, PS- Kashichak, Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Vaishnavi Singh, Adv.
For the Opposite Party/s	:	Md. Anzarul Haque Sahara, APP
For the Informant	:	Mr. Sunil Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-02-2025 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Nawada Town P.S. Case No. 1125 of 2024 registered for the offences punishable under Sections 80, 108 and 238(a) of the Bhartiya Nyaya Sanhita (B.N.S.), 2023.

3. Based upon the written report, the prosecution alleges that the marriage of the daughter of the informant was solemnized with co-accused Mukesh Kumar. On 23.09.2024 at about 06:00 P.M., the informant received an information that his daughter was done to death by all the accused persons and after killing his daughter, her dead body was hanged with ceiling fan. On the information, afore-noted, the informant along with other



family members rushed to the matrimonial home of his daughter and found her dead body was hanged on a ceiling fan. However, both the legs of the dead body was touching with bed. The video of such scene was taken in his mobile. It is further alleged that soon before the occurrence, the deceased was subjected to demand of dowry at the hands of all the accused persons and after snatching the valuables, she was ousted from her matrimonial home. It is also stated that the deceased beget one son, who is aged about three and a half years.

4. Learned counsel for the petitioner drawing the attention of this Court to the FIR, contended that apart from the fact that the petitioner is none else but the brother-in-law of the deceased, who has been working as an Agriculture Assistant in Kashichak Block and has been residing there along with his family, he has no concern with the day to day affairs of the deceased and her husband. Learned counsel for the petitioner further contended that the FIR clearly narrates that the information was given to the informant at about 06:00 PM on 23.09.2024. Soon thereafter, the police arrived there and prepared inquest report and sent the dead body for postmortem but, surprisingly, at that point of time, neither the FIR of the informant was recorded nor he has given any written statement.



The present FIR has been instituted on the next day on 24.09.2024 at 04:10. Further submission has been made that the postmortem of the dead body was conducted, however, there is no mark of any violence which clearly belies the allegation of the prosecution that the victim was subjected to brutal assault and torture just before the alleged occurrence and suicide. The impugned order also suggests that it was a case of asphyxia due to hanging. Moreover, the petitioner has been incarcerated since 25.09.2024 having fair antecedent.

5. On the other hand, learned counsel for the State and learned counsel for the informant vehemently opposed the bail application and contended that from the written report, it is evident that it cannot be a case of suicide, once, the leg of the dead body of the deceased was touching to the bed. In fact, she was done to death and thereafter her body was hanged on ceiling fan. There is specific allegation against the petitioner of demand of dowry and torture.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner is brother-in-law of the deceased and has been residing separately in village Nurdichak within Kashichak Block and the marriage of the deceased was solemnized way back in the year



2018, coupled with the fact that the husband of the deceased is behind the bar and there is no mark of violence over the body of the deceased, apart from the fair antecedent of the petitioner, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Nawada Town P.S. Case No. 1125 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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