

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40135 of 2025

Arising Out of PS. Case No.-30 Year-2025 Thana- CHAKIA District- East Champaran

Samir Kumar @ Sameer Kumar @ Sameer Thakur S/O Sri Suresh Thakur
R/O Mohalla- Officer's Colony Chakiya, Ward No. 10, PS- Chakia, District-
East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Ms. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate Mr. Mudit Meel, Advocate
For the State	:	Mr. Shyam Kumar Singh, APP
For the Informant	:	Ms. Dipti Divya, Advocate Mr. Abhishek Anand, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 03-09-2025

1. Heard learned counsel for the parties.

2. The petitioner in this application prays for bail apprehending his arrest in connection with Chakia P.S. Case no.30 of 2025 registered for the offence punishable under sections 103(1), 80, 238 and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution case, the informant states that her daughter was married to the petitioner herein in November, 2017. At the time of marriage, various gifts/dowry was given. Her daughter gave birth to two sons who are aged five years and one year. On 14.10.2024, the informant received



a phone call from the petitioner herein on 11.06 a.m. stating that her daughter has hung herself. The informant reached from Vishakhapatnam and saw the dead body of her daughter. She states that under coercion, the cremation took place and no further steps were taken. The informant and others returned to Vishakhapatnam and thereafter an FIR was registered. The informant further states that the accused persons were torturing her daughter. She suspects that they had opened a LIC account in her name and have killed her. An enquiry be conducted into the death of her daughter and the guilty be punished.

4. Learned counsel appearing for the petitioner submits that the petitioner has been falsely implicated in the case only for the reason that he happens to be the husband of the deceased. From the contents of the FIR itself, it would transpire that it was this petitioner who on 14.10.2024 at 11.06 a.m. gave information about the death of their daughter to the informant. It would further transpire that no cremation took place till the informant along with the other members of the family had reached. There has been an inordinate delay of two months in lodging of the FIR. While the occurrence is said to have taken place on 14.10.2024, information was given to the police only on 19.12.2024. Even the complaints on the P.M. portal and the



National Commission for Women were made almost a month after the occurrence. The allegation of torture etc. made by the informant are an afterthought. There is no eye witness to the occurrence and from the contents of the documents relating to finance etc., it would transpire that the petitioner had made his deceased wife as nominee therein. It is submitted that the relationship between the parties were extremely cordial and there were two children out of the said wedlock. There had been no complaint in the past and the petitioner has no criminal antecedent.

5. The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. Learned counsel appearing for the informant submits that the petitioner herein happens to be the husband of the deceased. The daughter of the informant was murdered in a pre-planned manner within seven years of the marriage and on the informant and others reaching the sasural of the informant's daughter, FIR was not permitted to be registered under threat. The witnesses have supported the prosecution case in course of investigation.

6. Having heard learned counsel for the parties and taking into consideration the allegation against the petitioner who happens to be the husband of the deceased, the death



having taken place within seven years of marriage together with the material that has transpired in course of investigation, in the facts of the case, the Court is not inclined to enlarge the petitioner on anticipatory bail and the application is rejected.

7. The petitioner is directed to surrender in the learned Court below within a period of four weeks.

8. In case the petitioner so surrenders within the aforesaid period and prays for regular bail, the same shall be considered on its own merits without being prejudiced by this order of rejection.

(Partha Sarthy, J)

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