

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61251 of 2024

Arising Out of PS. Case No.-1396 Year-2023 Thana- DANAPUR District- Patna

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Dheeraj Kumar Singh, Son of Arun Singh @ Arun Kumar Singh, Resident of
Mohalla- Chhitrakut Nagar, Danapur, P.S.- Danapur, District -Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raghwendra Pratap Singh, Adv.

For the State : Ms.Suman Kumari Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-02-2025 Heard learned Senior Counsel, Mr. Alok Kumar for
the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Danapur, P.S. Case No. 1396 of 2023 registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that his sister (deceased) was married to the petitioner in the year 2010 and out of the wedlock two children were born. It is next alleged that after marriage, the accused persons including the petitioner were demanding dowry and for non-fulfillment of the demand, as detailed in the FIR, the victim was tortured and assaulted. Further on 27.10.2023, the informant received an

information that his sister was poisoned by the accused persons including the petitioner and thereafter, was locked in a room from outside and after the accused became sure that the victim had died, she was taken to Curis Hospital.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the instance case by the informant for ulterior reasons. It is next submitted that it is not in dispute that the marriage of the petitioner with the deceased was performed in the year 2010 and the instant FIR came to be instituted in the year 2023, but then in-between these thirteen years, no case ever came to be instituted either by the deceased or the informant alleging torture for dowry. It is next submitted that in the FIR, it is alleged that the victim was poisoned and thereafter locked in a room and when the accused persons including the petitioner became sure that she had died thereafter the room was unlocked, but then from perusal of the medical report, it would manifest that the moment the petitioner and his family members came to know that the victim (deceased) has consumed poison they rushed her to Curis Hospital. It is next submitted that from the perusal of the report of the Curis Hospital, it would manifest that the hospital has recorded that at the time of admission patient was conscious but restless. It is

also submitted that the victim initially was treated at Curis Hospital and thereafter she was taken to Paras Hospital at Patna, where she died during the course of treatment. The learned Senior Counsel next submits that from the report of the Curis Hospital, it amply manifest that the victim was conscious and restless, as such the allegation in the FIR that the deceased was locked in a room after being poisoned and the room was opened only when they became sure that she has died and has no legs to stand, it is submitted that if the petitioner or his family members intended to kill the deceased in that case they would not have taken her to the hospital in a conscious state. It is further submitted that even allegation of torture and demand of dowry does not inspire confidence. It is next submitted that the petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like

amount each to the satisfaction of the learned Additional Chief Judicial Magistrate or the Court below where the case is pending/successor court in connection with Danapur P.S. Case No. 1396 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that if the Investigating Officer of the case files an application before the learned Trial Court willing to its notice that the petitioner despite giving assurance to this Court is not cooperating in the investigation, in that event, the learned Trial Court shall be at liberty to cancel the bail bond of the petitioner.

(Satyavrat Verma, J.)

Jyoti Kumari/-

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