

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73306 of 2024

Arising Out of PS. Case No.-358 Year-2023 Thana- CHANDAUTI District- Gaya

Alok Raj Son of Sri Jitendra Kumar R/O Vill.- Koshdihura, P.S.- Paraiya, At
Present R/O Mohalla- Shivnagar, P.S.- Chandauti, Dist.- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Adv. Mrs. Vaishnavi Singh, Adv. Mr. Ritwik Thakur, Adv.
For the Opposite Party/s :		Mr. Dilip Kumar No. 1, APP.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 16-04-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 304(B) of the Indian Penal Code and he happens to be husband of the deceased.

3. The prosecution case, in brief, is that the informant solemnized the marriage of her daughter with the petitioner on 02.03.2020. It is alleged that there was a demand of more dowry and also a bullet motorcycle and upon non-fulfillment of the said demand, the accused persons used to torture upon her physically and mentally. It is further alleged that 24.06.2023 at about 06:30 PM, the informant got information that all the



named accused persons including the petitioner have strangled her daughter to death.

4. Learned counsel for the petitioner submits that the allegations levelled in the FIR are totally incorrect and as a matter of fact, at the time of occurrence, the petitioner, who is the Block Co-ordinator of Public Distribution System of Paraiya and Gurari Block, was attending an official duty and he came to the place of occurrence upon alarm being raised about the death of the deceased. It is further submitted that there is no question of demand of any dowry or any motorcycle also in view of the fact that it was rather the petitioner who had transferred money to the family of the deceased on several occasions, which would be evident from Annexure-2 series of the present petition. The factum of the petitioner not being at the place of occurrence at the relevant time gets its support from the statement of cousin sister-in-law of the deceased, namely, Kanchan Devi whose statement has been recorded in para 11 of the case diary where she has categorically stated that the petitioner had arrived at his house after getting the information about the death of the deceased by hanging.

5. The attention of this Court has further been drawn by the learned counsel for the petitioner to paragraphs 9 and 10 of



the case diary which contains the statements of father and brother of the deceased, respectively and both of them expressed their ignorance about the dowry demand and the demand for bullet motorcycle and have rather stated that they came to know about the said fact from the mother of the deceased, whereupon they have raised a suspicion about the death of the deceased being caused by accused persons of this case. It is further submitted that the postmortem report of the deceased, which has been annexed in the petition and also is a part of the case diary, would go to show that the cause of death is asphyxia and shock due to hanging. With respect to such opinion also, the learned counsel for the petitioner submits that it is not a case of strangulation, but rather a case of suicide by hanging.

6. It appears from the order dated 14.02.2025 that there was a direction to the learned APP for the State to file a short affidavit on behalf of the Senior Superintendent of Police, Gaya on the point that on the date of death of the deceased, there was a number of missed calls from a particular number and hence, the matter was asked to be looked into. Pursuant to said order, a counter affidavit has been filed by the learned APP on behalf of the D.Y.S.P., Gaya and a perusal of paragraph 9 of the said



affidavit would show that the said mobile number was found to be used by one Sonu Kumar and upon verification, Sonu Kumar informed the Investigating Officer that he had purchased this number and later gave it to his friend, namely, Golu Kumar. Further verification revealed that Golu Kumar had been using this number since 2016 and stated that the other mobile number in question was being used by his cousin sister. It has also been stated that this number was also used by the parents of the deceased to communicate to their daughter. This finding has come in paragraph 129 of the supplementary case diary.

7. Taking into consideration all the rival contentions and especially the fact that there appears to be some suspicious circumstances relating to the death of the deceased for which the petitioner cannot be held to be responsible and also considering the fact that the postmortem report would also go to show that the death has been caused due to hanging, I am inclined to grant the privilege of anticipatory bail to the petitioner, who has no criminal antecedent. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate,



Gaya in connection with Chandauti P.S. Case No. 358 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023 and further condition that the petitioner would co-operate in the investigation and trial and if it appears that the petitioner is trying to evade the process of law or trying to tamper with the evidence, the prosecution will be at liberty to file an application for cancellation of bail bonds of the petitioner before the learned Court below.

(Soni Shrivastava, J)

divyanshi/-

U		T	
---	--	---	--

