

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84231 of 2024

Arising Out of PS. Case No.-89 Year-2022 Thana- BALIYA District- Begusarai

Raushan Kumar @ Raushan Tanti, S/o- Harkhit Tanti, Village-Shadipur
Diyara, W.No-10, Ps-Balia, Dist-Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhanshu Bhushan, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

3 27-01-2025 Heard learned Advocate appearing on behalf of the

petitioner and Mr. Satyendra Narayan Singh, learned Additional

Public Prosecutor for the State.

2. The application for grant of bail to the petitioner who is in custody in connection with Balia P.S. Case No. 89 of 2022 registered for the offence punishable under Sections 302, 304B, 498A, 201, 120B and 34 of the Indian Penal Code.

3. Based upon the written report the prosecution alleges that the marriage of the daughter of the informant was solemnized with the petitioner five years ago. On 30.03.2022, at about 02:00pm, the petitioner has informed the informant that some dispute has arisen between the petitioner and his wife and thus, request has been made to her to materialize the same. Despite the effort taken by the informant to contact her daughter, she could not contact as her mobile phone came to be



switched off. Soon thereafter, the informant alongwith other family members reached at the matrimonial home of the victim, but they did not find her. It is further alleged that the petitioner alongwith other accused have killed the victim and her two female children and left the home. Prior to the alleged occurrence the deceased was subjected to demand of dowry.

4. Learned Advocate appearing on behalf of the petitioner contended that admittedly even as per the narrations made in the FIR the informant was informed on 30.03.2022 and soon thereafter she rushed to the matrimonial home, but surprisingly, the FIR has been instituted on 01.04.2022, after a delay of three days. The falsity of the case is also writ large for the simple reason that during the course of investigation it has transpired that the two daughters of the victim has been yet residing with their grand-mother. It is the contention of the petitioner that in fact the victim has left her matrimonial home without giving any information to anyone on account of a trifle. The dead body of the victim has neither been recovered, nor her trace out could be find out during the course of investigation and, as such, there is no material to constitute any offence much less under Section 302 and 304B of the Indian Penal Code. It is lastly contended that the petitioner has been incarcerated since 18.07.2024, having absolutely fair antecedent and he undertakes



before this Court that he will fully cooperate in the proceeding of the Court.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application and submits that the petitioner happens to be husband of the deceased and his complicity cannot be ruled out, as he himself admitted the dispute between him and his wife, which resulting into causing her disappearance. Moreover, there is a demand of dowry soon before her disappearance and, as such, an offence of dowry death as provided under Section 304B of the Indian Penal Code, cannot be ruled out.

6. Regard being had to the submissions made on behalf of the parties and considering the written report not based on correct facts of causing the death of two children; in as much there is no trace out of the victim, whether alive or dead and the materials collected during the course of investigation are primarily based on suspicion of the complicity of the petitioner in the crime, coupled with the fair antecedent, let the petitioner, named above, be released on bail on or after framing of the charge from the Court below itself on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Balia P.S. Case No. 89 of 2022, 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.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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