

(2021) 02 PAT CK 0034

Patna High Court

Case No: Criminal Miscellaneous No. 32201 Of 2020

Shyam Shankar Das

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision: Feb. 3, 2021

Acts Referred:

- Indian Penal Code, 1860 - Section 34, 304B

Hon'ble Judges: Ahsanuddin Amanullah, J

Bench: Single Bench

Advocate: Ratanakar Jha, Mritunjay Kumar Nirala

Final Decision: Disposed Of

Judgement

1. The matter has been heard via video conferencing.
2. Heard Mr. Ratanakar Jha, learned counsel for the petitioner and Mr. Mritunjay Kumar Nirala, learned Additional Public Prosecutor (hereinafter referred to as the "APP") for the State.
3. The petitioner is in custody in connection with Bisfi PS Case No. 318 of 2019 dated 19.10.2019, instituted under Sections 304B/34 of the Indian Penal Code.
4. The allegation against the petitioner, who is the husband of the deceased, is of killing her.
5. Learned counsel for the petitioner submitted that at the relevant point of time he was working in Delhi and was not even present at his house. It was further submitted that the death occurred due to hanging and the deceased had committed suicide and there was no role of any other person in

killing her. Learned counsel submitted that even the postmortem report indicates that there is only ligature mark on the neck and no other injury has been found on the body. Learned counsel submitted that the petitioner is in custody since 20.10.2019. It was submitted that the mother-in-law of the deceased i.e., the mother of the petitioner, has been granted bail by a co-ordinate Bench on 02.03.2020 in Cr. Misc. No. 10471 of 2020. It was submitted that there is no witness to the crime and only on suspicion, the case has been filed. Learned counsel submitted that no injury has been found on any part of the body of the deceased which clearly indicates that she was not killed otherwise there would have been marks and there is only mark of hanging which shows that she had committed suicide.

6. Learned APP, from the case diary, submitted that there is allegation of demand of dowry and torture and the reason for death is asphyxia caused by hanging. However, he did not controvert that no injury mark was found on any other part of the body of the deceased.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Madhubani in Bisfi PS Case No. 318 of 2019 subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, and (ii) that the petitioner shall cooperate in the case. Failure to cooperate shall lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.