

(2020) 11 PAT CK 0018

In the Patna High Court

Case No : Criminal Miscellaneous No. 25390 Of 2020

Shyamjeet Rai @ Shyamjeet Kumar

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision : 05-11-2020

Acts Referred:

Indian Penal Code, 1860 — Section 34, 304B
Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2020) 11 PAT CK 0018

Hon'ble Judges : Ahsanuddin Amanullah, J

Bench : Single Bench

Advocate : Bindhyachal Singh, Md. Arif

Final Decision : Disposed Of

Judgement

1. The matter has been heard via video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.
2. Heard Mr. Bindhyachal Singh, learned counsel for the petitioner and Mr. Md. Arif, learned Additional Public Prosecutor In-charge (hereinafter referred to as the 'APP') for the State.
3. The petitioner apprehends arrest in connection with Marhowrah PS Case No.513 of 2018 dated 12.10.2017, instituted under Sections 304-B/34 of the Indian Penal Code.
4. The allegation against the petitioner, who is the younger brother of the husband of the deceased and other family members is of torturing and killing the deceased for non- fulfillment of demand of dowry.
5. Learned counsel for the petitioner submitted that besides the petitioner being 19 years old, the marriage itself was solemnized on 29.04.2018 and the victim committed suicide on 31.10.2018, which clearly disproves any such extreme step by the petitioner or his family members. It was submitted that even for the sake

of argument, if it is presumed that there was pressure for dowry, it cannot be believed that within a short span of six months the in-laws of the deceased would be so impatient so as to kill her knowing fully well that the death having occurred in such a short span and in the matrimonial home, they would be prime suspects. It was submitted that the postmortem does not reveal any injury on the body, which clearly disproves the allegation of there being any torture or assault and further, that it has been opined that death was caused due to hanging causing asphyxia which clearly indicates that she has committed suicide. Learned counsel submitted that the petitioner has no criminal antecedent and his elder brother i.e., the husband of the deceased, who was arrested, has, now, been released on bail by the Court below.

6. Learned APP submitted that the death has occurred only six months from the marriage in the matrimonial home and it was not a natural death and, thus, the petitioner also living in the same house cannot claim innocence.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, 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 Chief Judicial Magistrate, Saran at Chapra, in Marhowrah PS Case No.513 of 2018, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and that one of the bailors shall be a close relative of the petitioner.

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