

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50756 of 2014

Arising Out of PS.Case No. -396 Year- 2013 Thana -SHASTRINAGAR District- PATNA

Kumar Govind

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Chandra Jha-Advocate

For the Opposite Party/s : Mr. Akbar Ali (A.P.P.)

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

07 06-07-2015

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor.

Deceased, Sweta Kumari, who was married with the
petitioner few months ago and was staying with the petitioner at
Patna in a flat, was found hanging and on account thereof, as has
been disclosed by the informant, petitioner had informed
whereupon, he along with his family members rushed, seen the
dead body and lodged this case. Informant fairly stated in the fard-
beyan that deceased had not complained nor he shown suspicion
against the petitioner.

It has been submitted on behalf of petitioner that
conduct of the petitioner is to be perceived, more particularly, in
the background that informant had not shown suspicion against the
petitioner. Therefore, his approach was cordially in favour of

deceased. It was unfortunate that deceased committed suicide in absence of petitioner as during the aforesaid event, petitioner was at his office.

Furthermore, it has been submitted that subsequently, an affidavit of informant along with other family members were placed, which has been incorporated under Paragraph-25 onward having no legal identity in terms of Section 161 Cr.P.C. As such, those facts are fit to be rejected. It has also been submitted that from the post mortem report, it is apparent that no external, internal injury has been found and further, the cause of death, in the background of suicidal event rightly been ascertained asphyxia due to hanging. So, submitted that in the aforesaid facts and circumstances of the case, petitioner is entitled for bail.

On the other hand, learned Additional Public Prosecutor opposed the prayer and submitted that petitioner had not explained the death, more particularly, in the background of the fact that the house was occupied by the petitioner as well as deceased only on the alleged date of occurrence. Furthermore, the plea of alibi is a subject of trial. It has also been submitted that petitioner even not shown the mental condition of deceased to be suffering from some sort of mental ailment including depression etc. and on account thereof, it was not expected at the end of

person having sound, physical health to commit suicide in hasty manner. Moreover, the aforesaid event had already been considered by the Hon’ble Apex Court while considering the anticipatory bail of the petitioner under S.L.P. (Crl.) no.7654 of 2014.

That being so, prayer of petitioner for bail is rejected.

(Aditya Kumar Trivedi, J)

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