

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44317 of 2015

Arising Out of PS.Case No. -15 Year- 2015 Thana -ANGARGHAT District- SAMASTIPUR

1. Varun Kumar Jha, son of Sukhdeo Jha, resident of village- Supaul Rewari, P.S.- Angarghat, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar

For the Opposite Party/s : Mr. Anil Prasad Singh (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 11-02-2016 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Angarghat P.S.Case No. 15 of 2015 registered for offences punishable under Sections 302/34 of the Indian Penal Code.

The prosecution case is that the informant, namely, Yogendra Mahato, who happens to be Chaukidar gave his fardbeyan before the police stating therein that on 23.02.2015 he got information that daughter-in-law of Sukhdeo Jha had committed suicide by hanging. On getting such information, he rushed there and saw witnesses present there and they were stating that the victim died due to hanging and thereafter, he saw the body and found both the eyes closed and the mouth open.At the same



time, there was a black spot on the neck. It was further stated in the fardbeyan that there was no visible mark of injury on the body of the victim and her death appeared to be suspicious. The marriage of the sister of the victim had taken place in the year, 2004 and out of wedlock, sister of the deceased had three daughters. In the year, 2012, the petitioners solemnized another marriage with the victim, who happens to be younger sister-in-law of the petitioner and from this marriage too, there was one issue. The further case of the prosecution is that the ladies present there were stating that since the petitioner slept with victim's elder sister, the present occurrence took place and after the occurrence, the petitioner is absconding and there is every possibility that the petitioner may have committed this occurrence.

It has been submitted by the learned counsel for the petitioner that the petitioner being the husband of the deceased Nitu Devi has not committed any offence and has no criminal antecedent as is evident from para-3 of this application. It has further been submitted that the deceased has committed suicide, which is duly supported by the affidavit by the father of the victim before the Judicial Magistrate, 1st class, Dalsingsarai, Samastipur and also before the police.

Learned counsel for the petitioner submits that the father of the petitioner has himself stated that petitioner is

innocent and had no hand in the crime and his daughter was an ill-tempered lady, who committed suicide.

Learned A.P.P. points out to paragraph-19 of the case diary, which is the statement of the father of the deceased Nitu Devi, who has stated that his daughter committed suicide, which also found place in the affidavit before the Judicial Magistrate, which is Annexure-2 of this application.

Considering the fact that the petitioner has been implicated only due to suspicion, let the above named petitioner in the event of his arrest or surrender within a period of six weeks from today before the Court below be enlarged on bail on furnishing bail bonds of Rs, 10,000/- (ten thousand only)with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st class, Dalsingsarai, Samastipur in connection with Angarghat P. S. Case No. 15/2015, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Nilu Agrawal, J)

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