

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17391 of 2017

Arising Out of PS.Case No. -394 Year- 2016 Thana -GANDHIMAIDAN District- PATNA

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Sumit Saurav @ Sumit Saurabh Son of Shankar Saran Resident of House
No. B/135, Harivansh Smriti, Anishabad, P.S. - Fulwarisharif, District -
Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Ramesh Chandra

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 24-05-2017 Heard the learned counsel for the petitioner as well as

the learned A.P.P. for the State.

In this application for anticipatory bail the petitioner
apprehends his arrest in connection with Gandhi Maidan P.S. Case
No. 394 of 2016 for the offences punishable under sections 306,
304 B and 34 of the I.P.C.

The informant, mother of the deceased, alleged that on
23.08.2016 her daughter committed suicide in her house 403 R.K.
Plaza, Lalji Tola, Gandhi Maidan, Patna, but later on, she checked
her mail and found that that the petitioner and other in-laws used
to torture her and that is why she was driven to commit suicide.
The copy of the mail has been annexed with the FIR.



Submission is of false implication and that the daughter of the informant committed suicide on 23.08.2016 but the FIR was lodged on 08.10.2016, prior to institution of the present case Laxmi Narayan Mishra, the father of the deceased made statement on the basis of which U.D. Case No. 11 of 2016 was registered on 23.08.2016 itself, the father of the deceased did not make any sorts of allegation against the petitioner or any one, the informant, i.e. mother of the deceased filed informatory petition on 23.09.2016 on the basis of mail, the dispute arose due to custody of the child of the deceased and that is why the informant filed this case making false allegation, the deceased was living with the petitioner in Delhi but she has come to her parent's house where she committed suicide, the deceased did not complain about any ill treatment at the hands of the petitioner, the deceased herself went to her Naihar a week before the date of committing suicide and thereafter she committed suicide on 23.08.2016, the father-in-law and the mother-in-law have already been granted pre-arrest bail vide Cr. Misc. No. 17421 of 2017 and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes prayer for pre-arrest bail of the petitioner by submitting that on the basis of mail FIR has been lodged by the mother of the deceased.



In the facts and circumstances as stated above, it is apparent that the daughter of the informant committed suicide on 23.08.2016 and the father of the deceased lodged Gandhi Maidan U.D. Case No. 11 of 2016 but did not make any sorts of allegation against the petitioner, even the informant also did not make any allegation against the petitioner but some dispute arose due to custody of the child and that is why the mother of the deceased filed informatory petition on 23.09.2016 annexing a copy of the mail and later on, on 08.10.2016 this case was filed and as such the petitioner, in case of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of. C.J.M. Patna in connection with above mentioned case, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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