

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52651 of 2017

Arising Out of PS.Case No. -93 Year- 2017 Thana -SARAI District- VAISHALI(HAJIPUR)

1. Rakhi Kumari @ Rakhi Sharma wife of late Manoj Kumar,
2. Sabina Devi wife of Mahesh Singh,
3. Mukund Kumar son of Mahesh Singh,

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 09-11-2017

Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Section 306/34 of the Indian Penal Code.

According to F.I.R., after death of the son of the informant dispute with the paternal family members of the widow/daughter-in-law and the informant's family was going on. For that dispute on one occasion, allegation is that the petitioners assaulted to the husband of the informant and insisted for transferring the land in favour of the widow/daughter-in-law. Being frustrated with the act of the petitioners, the husband of the informant committed suicide and left the suicide note stating the



aforesaid facts.

Learned counsel for the petitioners submits that a perusal of the F.I.R. would reveal that there is no ingredient of abetment to commit suicide nor there is any statement regarding instigation for commission of the suicide. Hence, the offence under Section 306/34 of the Indian Penal Code is not made out.

Finding substance in the submission of the learned counsel for the petitioners, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Sarai Police Station Case No. 93 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioners shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioners.

(Birendra Kumar, J)

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