

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17863 of 2020**

Arising Out of PS. Case No.-263 Year-2019 Thana- AAJAM NAGAR District- Katihar

MD. SAHID, aged about 35 years, Gender – Male, Son of Md. Ainul
Resident of Village - Shivrampur, P.S.- Azamnagar (Salmari), District -
Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Jha, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 21-08-2020 Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with S.T. No. 54/2020 arising out of Azamnagar
(Salmari) P.S. Case No. 263/2019 registered for the offence
under Section 302, 34 of the Indian Penal Code but chargesheet
has been submitted under Section 306/34 of the Indian Penal
Code.

According to the First Information Report, the
marriage between the daughter of the informant and petitioner
was performed about 15 years ago. It is alleged that sometime
after the marriage the petitioner, his father, mother and younger
brother were causing physical and mental torture to the daughter
of the informant. It is further alleged that two years ago the



informant had reported it to Salmari O.P. On 06.10.2019 daughter of the informant had telephonically informed the informant that these people will kill her whereupon the informant thought that he would go after 1 – 2 days and shall make them to compromise but on 07.10.2019 an unknown caller informed him that his daughter has died, whereupon the informant along with some persons went to the *Sasural* of his daughter where he found that the dead body of his daughter was lying in the *Varandah*. The informant alleged that there were sign of assault on the back and ligature mark on the neck of the deceased.

Learned counsel for the petitioner submits that the marriage had taken place about 15 years ago and during this period no allegation was made against the petitioner and his family. In course of investigation the independent witnesses have come forward to say that the daughter of the informant had hanged herself on a quarrel with her husband over payment of Hostel fee of her two sons.

It is submitted that the informant was duly informed about the death of his daughter whereupon he had come and it is for this reason that in course of investigation he did not handover his mobile to the Investigating Officer to find out the



number from which he had received the call. The post-mortem report shows ligature mark around the neck and the Investigating Officer finally reached to a conclusion that it is a case of suicide. Although, the First Information Report was initially registered under Section 302/34 I.P.C. but charge-sheet has been filed only under Section 306 I.P.C. So far as the allegation of assault on the back is concerned, the same has not been found during the autopsy of the dead body, though it appears that later on in the post-mortem report a bruise on lower part of the left thigh has been inserted.

Learned counsel further submits that the petitioner has remained in jail since 09.10.2019 and in the nature of the materials collected in course of investigation it seems to be a case of false implication of the petitioner by the father of the deceased wife in anguish. Learned counsel thus submits that at this stage further incarceration of the petitioner is neither likely to come in aid of investigation or help the prosecution rather his continuation in jail is likely to deprive the two minor sons from their ongoing study and consequences thereof may be difficult to redeem.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner, as according to him, the petitioner



is husband of the deceased and it would be prima-facie responsible for the suicide committed by his wife.

Having regard to the facts and circumstances of the case wherein this Court has noticed that the marriage between the petitioner and the deceased had taken place about 15 years ago and in course of investigation the informant has not produced any material to suggest that there was any complaint of physical or mental torture earlier against the petitioner and further that in course of investigation independent witnesses have stated that the deceased had a quarrel with the petitioner over payment of Hostel fee of her two sons and in course of that a minor scuffle might have taken place whereafter the daughter of the informant had committed suicide, in the nature of the materials coming in course of investigation and the fact that the petitioner has remained in custody since 09.10.2019, he has two minor sons who are in school education and further incarceration of the petitioner is not going to help the prosecution, let the petitioner above-named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge – V, Katihar in connection with S.T. No. 54/2020 arising out of Azamnagar P.S.



Case No. 263/2019, subject to the conditions as laid down under
Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with
the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence
similar to the offence of which he is accused, or suspected, or
the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly,
make any inducement, threat or promise to any person
acquainted with the facts of the case so as to dissuade him from
disclosing such facts to the Court or to any police officer or
tamper with the evidence.

And further condition that he will abide by and
observe the guidelines and directives of the Government of
India and the State Government with regard to COVID-19
Pandemic during the lockdown period. The authorities
concerned shall take appropriate steps to ensure such
observance prior to and after release of the petitioner.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

