

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26398 of 2020

Arising Out of PS. Case No.-154 Year-2019 Thana- RASULPUR District- Saran

RAKESH K. SAH @ RAKESH SAH @ RAKESH KUMAR SAH, S/o
Mohan Sah, Resident of Village-Charwa @ Chadwa, Police Station-Rasulpur,
District-Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Rajesh Kumar Singh

For the Opposite Party/s : Mrs. Renu Kumari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 01-12-2020 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceedings.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 341, 323, 306 of the Indian
Penal Code.

FIR lodged by the informant Chaukidar on
07.11.2019 at about 5.10 morning heard that an orchestra dancer
namely Haseen who was illegal wife of the petitioner has
committed suicide. Receiving this information, the informant
and other police party reached to the place of occurrence and
they found the dead body of the deceased lying on a Chauki. It
is further alleged that the neighbour of this petitioner stated that
this petitioner used to quarrel with the deceased regularly and on



the date of occurrence, there was a quarrel between them.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case only on suspicion. There was no material to show that the petitioner ever abated the deceased to commit suicide. The petitioner was in affair with the deceased for the last 4-5 years. The petitioner is in custody since 07.11.2019. The petitioner has got no criminal antecedent which is mentioned in para 3 of the bail petition.

Learned counsel for the petitioner further submits that there is no allegation of any overact against the petitioner. At the same time, it is also not the case of prosecution that the petitioner has established physical relationship with the deceased forcefully or giving assurance that he will solemnize marriage with her. Refusing to solemnize marriage under pressure is no offence at all. At the same time, deceased was aged about 24 years (as mentioned in post mortem report) and was hale and hearty.

Learned APP for the State has opposes the prayer for bail.

Perused the FIR and case diary, I found that in para 3 of the case diary, there was confessional statement of the



petitioner in which he has accepted that he was in illicit relation with the deceased for the last 4-5 years and since he does not want to marry with the deceased due to the pressure of his family, hence the deceased was annoyed with him and the deceased used to love with him. Inquest report is at para 24 of the case diary and on perusal of the same, I found that the police has found that there was sign of assault and black sign of throttling on the neck on the body of the deceased and the reason behind the death of throttling. The doctor in the postmortem report has also found the cause of death was asphyxia caused by strangulation.

Considering the aforesaid facts and circumstances, **after framing of the charge**, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each in connection with Rasulpur P.S. Case No. 154/2019 to the satisfaction of the learned Additional Chief Judicial Magistrate-XI, Saran at Chapra.

(Anjani Kumar Sharan, J)

amitkumar/-

U		T	
---	--	---	--

