

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31899 of 2020

Arising Out of PS. Case No.-511 Year-2020 Thana- SAHARSA District- Saharsa

Rajeev Kumar, Son of Sri Sambhu Yadav, Resident of Shahpur, P.S.-Saharsa,
District - Saharsa.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Gouranga Chatterjee, Advocate

For the Opposite Party : Dr. Mrityunjaya Kumar Gautam, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 02-12-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner has filed the present application under Sections 439 and 440 of the Code of Criminal Procedure for grant of bail in connection with Sadar P.S. Case No. 511 of 2020 registered under Section 306 of the Indian Penal Code.

3. It is submitted by the learned counsel for the petitioner that the ingredients of Section 306 of the Indian Penal Code are not at all attracted against the petitioner. He contended that merely because the petitioner and the deceased were having affair from before and they had talked for more than 800 times in past, it cannot be said that the petitioner abetted the deceased to commit suicide. He contended that the only material which has come during investigation is that the petitioner and the deceased were reading together in a coaching institute and developed some



intimacy. The affair between them was known to the cousin of the deceased, who had scolded her and threatened her that he would complain about her relationship to her family members and out of shame, she closed her door in the night and committed suicide by hanging with aid of her *dupatta*. He contended that even if the entire prosecution case is accepted to be true, no offence against the petitioner would be made out.

4. On the other hand, learned counsel appearing for the State submitted that prior to committing suicide the victim has interacted with the petitioner on phone.

5. Be that as it may, considering the facts and circumstances of the case, the petitioner, who is in custody since 01.07.2020, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in connection with Sadar P.S. Case No.511 of 2020.

6. Since the court proceedings are being conducted through virtual mode and normal court functioning has not been restored till date, it is considered appropriate to adopt the following procedure for communication of the present order:-

- (i) The order, which has been dictated during the course of proceeding of the virtual court, shall be communicated



to me on my e-mail by the Senior Secretary.

- (ii) The corrected copy of the order shall be transmitted by me from my e-mail id to the Senior Secretary, which shall be treated to be an authentic copy of the order passed by this Court in the present proceeding.
- (iii) Hard copy of the order duly signed by me shall be preserved in my residential office for documentation and future use, if any.
- (iv) Let steps be taken by the Senior Secretary/registry for up-loading of the present order without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J.)

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