

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.84530 of 2019**

Arising Out of PS. Case No.-397 Year-2019 Thana- SAKRA District- Muzaffarpur

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GOPAL KUMAR THAKUR @ GOPAL SHARMA @ THAKUR, S/o
Ramchandra Sharma @ Thakur, R/o village- Haripur Krishna, P.S.- Sakra,
District- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
For the Opposite Party/s : Mr.Chandra Sen Prasad Singh, A.P.P.

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

5 01-06-2020 This application has been placed for consideration by

the order of the Hon'ble the Chief Justice through virtual court

proceeding.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Sakra P.S. Case No. 397 of 2019 registered for
the offences punishable under Sections 302/34 of the Indian
Penal Code.

Learned counsel for the petitioner submits that the
marriage between the petitioner and the deceased had taken
place in the year 2007 and out of their wedlock they also had a
daughter. It is submitted that on the alleged date of occurrence a



quarrel had taken place in the family on the issue of sale of she-buffalo. The family members were in need of money and they were looking to sell the she-buffalo but the deceased was in favour of retaining the same and on this issue she having felt dissatisfied committed suicide.

Learned counsel submits that the informant is not an eye witness and in course of investigation the witnesses including the daughter of the deceased who was taken to her Nanihal after the alleged occurrence have come forward to narrate that the deceased had a quarrel on the issue of sale of she-buffalo. It is further submitted that the post-mortem report in paragraph '31' of the case diary shows a ligature mark and death due to hanging. The inquest report shows that her bangles etc. were intact in her hand and there was no mark of injury on her body.

Learned A.P.P. for the State has gone through the case diary and after going through the same he has read out the statements of the daughter of the deceased lady in paragraph '22' of the case diary who has stated that on the date of the alleged occurrence her mother had a quarrel in the family over the sale of she-buffalo. Learned A.P.P. has also informed this court that the charge-sheet has been filed in this case under



Section 306 of the Indian Penal Code.

Having heard learned counsel for the petitioner and learned A.P.P. for the State and taking note of the submissions and the materials available on the record particularly the statement of the independent witness and the statement of the daughter of the deceased lady saying that the deceased had a quarrel with the family on the issue of sale of she-buffalo, police has not found it a case of murder as also that the post-mortem report and the inquest report nowhere shows any mark of injury on the body of the deceased and further that charge-sheet has been filed under Section 306 I.P.C., this Court directs that the petitioner above named be released on bail in connection with Sakra P.S. Case No. 397 of 2019 on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Muzaffarpur, subject to the condition as laid down under Section 437 (3) 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, of 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)

vats/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'.

