

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12244 of 2021

Arising Out of PS. Case No.-102 Year-2020 Thana- SIMRI District- Darbhanga

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SHAHID ANSARI S/O LATE JAMIL MOMIN @ JAMIL R/O VILLAGE-
BISAIPATTI, P.S.-PATOR, DISTRICT-DARBHANGA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Baidya Nath Prasad

For the Opposite Party/s : Mr. Md. Aslam Ansari

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 23-12-2021 Heard the learned counsel for the petitioner and

the learned APP for the State.

The petitioner seeks bail in anticipation of his

arrest in connection with Simri P.S. Case No. 102 of 2020

instituted for the offences under Sections 306/34 of the

Indian Penal Code.

The deceased appears to have committed suicide.

The F.I.R. has been registered by the mother of the

deceased, who has alleged that the deceased was married

to the petitioner about a year ago and the petitioner had

been residing at Bombay. In the night of the occurrence,

the deceased had a talk with the petitioner on telephone.



Early in the morning, when the informant woke up to offer her prayers, she found that the deceased had hung herself from the roof top. Her dead body was taken down with the efforts of the local persons.

The learned counsel for the petitioner has submitted that the facts narrated in the First Information Report clearly reveal that the deceased committed suicide in the absence of the petitioner. The petitioner being a poor person earning his livelihood on daily wages was residing at Bombay at the time of the deceased having committed suicide. The marriage had taken place only a year ago. Because of the continued absence of the petitioner from his hometown, the deceased had to stay alone with her mother. Perhaps, this could have been the reason for the deceased to have been upset with her life and she may have committed suicide.

There is nothing on record to indicate that the relationship between the spouses was strained in any manner whatsoever. The deceased may have been a temperamental person or extremely sensitive and in the



absence of the petitioner, she chose to end her life. The petitioner had no idea that in his absence, she would commit suicide.

Assuming but not admitting the fact that there was some telephonic conversation between the deceased and the petitioner in the night of the occurrence, it has been argued, that cannot be taken as evidence strong enough to saddle the petitioner with the allegation of abetting the deceased to commit suicide. Even if there was some heated conversation on telephone between the spouses on one occasion, that cannot be the reason for foisting a criminal case with the charge of Section 306 of the I.P.C. against the husband, if the wife commits suicide ultimately.

Two things, it has been argued, appear clearly from the F.I.R. viz. that the petitioner had been residing at Bombay and the relationship between the spouses was not strained on any account whatsoever.

Considering the aforesaid statement on behalf of the petitioner and taking into account that the informant now does not wish to prosecute the petitioner any further, he is



directed to be released on bail, in the event of his arrest or
surrender before the court below within a period of eight
weeks from the date of receipt / production of a copy of this
order, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten
Thousand) with two sureties of the like amount each to the
satisfaction of learned Chief Judicial Magistrate, Darbhanga,
in connection with Simri P.S. Case No. 102 of 2020, subject
to the condition laid down under Section 438 (2) of the Code
of Criminal Procedure

(Ashutosh Kumar, J)

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