

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.14163 of 2021

Arising Out of PS. Case No.-189 Year-2020 Thana- BARBIGHA District- Sheikhpura

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1. Indu Jyoti Kumari @ Indu Jayti Kumari, aged approx 40 years, Female, W/o Mr. Raj Kumar Gupta.
 2. Raj Kumar Gupta, aged approx 48 years, Male, S/o Late Dinesh Prasad Gupta.
Both resident of village- Chandukuam, P.S.- Barbigha, District- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
For the State	:	Mr. Mukeshwar Dayal, APP
For the Informant	:	Mr. Sanjay Kumar Ghosarvey, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date : 12-07-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Ajay Kumar Thakur, learned counsel for the petitioners; Mr. Mukeshwar Dayal, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Sanjay Kumar Ghosarvey, learned counsel for the informant.

3. The petitioners apprehend arrest in connection with Barbigha PS Case No. 189 of 2020 dated 07.08.2020, instituted



under Sections 306/34 of the Indian Penal Code.

4. The allegation against the petitioners is that due to abuse, ill-behaviour and threat by them and their two sons, the daughter of the informant, who is the deceased, had committed suicide. The deceased was the wife of the younger brother of petitioner no. 2.

5. Learned counsel for the petitioners submitted that as per the FIR version itself, there was some dispute and altercation between the petitioners and the deceased but that would not make the petitioners responsible for what happened. It was submitted that even if for the sake of argument, it is accepted that there had been some dispute with regard to keeping of a shed on the terrace, the petitioners cannot be accused of having deliberately intended that such dispute or altercation would force the deceased to commit suicide. Learned counsel submitted that during investigation it has come that there was some dispute between the deceased and her husband also. It was submitted that the petitioners have no other criminal antecedent. Learned counsel submitted that the petitioners had purchased a piece of land in Barbigha town from their own income and that was the reason to falsely implicate them for exerting pressure to give share in the said property also. Learned



counsel submitted that though there is allegation of assault on the deceased, but the post-mortem report does not corroborate the same.

6. Learned APP, from the case diary, submitted that witnesses have supported the fact that the immediate cause for the victim to take such drastic step was the altercation/assault by the petitioners and their two sons. It was submitted that the petitioners by such act had pushed the victim to take the step due to the humiliation suffered as the victim was threatened that she would be made naked on the main *chauraha*. Thus, it was submitted that such threat is enough to have a deep effect on the psyche of a person and that has been the immediate cause for taking her own life.

7. Learned counsel for the informant submitted that the own brother of petitioner no. 2 has stated that there was altercation between the parties and the petitioners and their sons had not only abused but also assaulted the victim and thereafter she had taken the extreme step. It was submitted that another brother of the petitioner has also supported the prosecution story. Learned counsel submitted that the injury on the body found in the post-mortem does not falsify the allegation of assault as the assault may have been simply pushing, but that



would be sufficient to have a devastating effect on the mental condition of a person, as has happened in the present case, leading to the victim taking her own life. It was submitted that the statement of the husband of the victim would clarify the position, as he has stated that when he was at his work place, he received a call from the victim and she had stated that because of assault by the petitioners and their sons, she was leaving him and that he should take care of the children and the husband immediately rushed to the place but it took about an hour for him to come and by that time, she had already taken such extreme step and then passed away. Thus, it was submitted that the petitioners were the immediate cause and the role by them being the elder brother and guardian for the deceased as her father-in-law had died, behaving in such a manner clearly has to be taken as enough provocation to force somebody to commit suicide. It was submitted that the petitioners being mature persons, cannot claim to be oblivious of the effect it would have on a person, especially what has been alleged and supported by the witnesses, including the full brothers of petitioner no. 2.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioners.



9. Accordingly, the petition stands dismissed.

10. The interim protection granted to the petitioners under order dated 14.06.2021 stands vacated.

(Ahsanuddin Amanullah, J)

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