

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18460 of 2021

Arising Out of PS. Case No.-48 Year-2020 Thana- BHAPTIAHI District- Supaul

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PRADEEP KUMAR SON OF CHANDESHWAR SINGH RESIDENT OF
SADANANDPUR, WARD NO. 4, P.S.- BHAPTIAHI, DIST.- SUPAUL

... .. Petitioner

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate

Ms. Preety Kunwar, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

4 17-11-2021 Heard Sri N.K. Agrawal, learned senior counsel,

assisted by Ms. Preety Kunwar, learned counsel appearing on

behalf of petitioner and Sri Khurshid Anwar, learned A.P.P.

appearing for the State.

The petitioner prays for regular bail in connection
with Bhaptiahi P.S. Case No. 48 of 2020 registered for the
offences under Sections 306 and 201/34 of the Indian Penal
Code.

The F.I.R. has been lodged on 28.05.2020 on the
self statement of Sub-Inspector of Police stating therein that on
receiving information regarding cremation of dead body of a
girl, an enquiry was conducted in which it transpired that the
family members of the deceased had come to know about the
affair of the deceased with a boy (Petitioner), who had scolded
her and as such she consumed some intoxicating material
resulting in her death.



Learned counsel appearing on behalf of petitioner submits that no case of abatement is made out against the petitioner nor any suicidal note has been seized. He further submits that petitioner is co-villager of the deceased and he has falsely been implicated in this case merely on the basis of suspicion. He further submits that the victim/deceased had consumed poisonous substance on 27.05.2020 in her own house resulting in her death. He further submits that petitioner is in custody since 01.10.2020 and Police has submitted Chargesheet. He further submits that the only allegation against the petitioner is that the deceased was in love with the petitioner as such the petitioner may be released on bail.

Learned A.P.P. appearing on behalf of State, however, opposes the prayer for grant of bail and submits that from perusal of the F.I.R. as well as the case diary, in course of investigation, in paragraph Nos. 23, 24 and 84, independent witnesses have supported the prosecution case and it has come to light that the deceased went to the house of petitioner, but she was not given shelter and as such she came back in her own house, where she committed suicide. Therefore, the complicity of the petitioner cannot be ruled out.

Having considered the facts and circumstances of the case, F.I.R. and paragraph Nos. 23, 24, 47 as well as 84 of



the case diary, it appears that deceased herself went to the house of the petitioner neither the petitioner nor the family members of the petitioner kept the deceased in their house. The victim/deceased committed suicide in her own house and as such prima facie, I am of the opinion that petitioner is nowhere involved for the alleged allegation of abatement, let the petitioner, above named, 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, Supaul in connection with Bhaptiahi P.S. Case No. 48 of 2020 subject to the following conditions:

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Purnendu Singh, J)

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