

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.24580 of 2020**

Arising Out of PS. Case No.-43 Year-2020 Thana- GAYA MUFASIL District- Gaya

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1. Asha Devi W/O Shambhu Rajbanshi Resident Of Village-Bhusunda Balapar, Police Station-Moffassil, District-Gaya.
  2. Shambhu Rajbanshi Son Of Lakhan Rajbanshi Resident Of Village-Bhusunda Balapar, Police Station-Moffassil, District-Gaya.

... .. Petitioners

Versus

The State Of Bihar

... Opposite Party

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**Appearance :**

For the Petitioners : Mr.Gajendra Kumar Singh, Advocate  
For the Opposite Party : Mr.A.G.

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

7      01-03-2021                      Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in a case registered for the offence punishable under Sections 306/34 of the Indian Penal Code.

As per the prosecution case, 04-02-20, petitioner Asha Devi came to the informant's house and informed that her (informant) daughter has been traced out and she was brought to her home. On 06-02-20 at about 10.00 am, informant's daughter again fled away with son of petitioners and so, on 07-02-2020, petitioners came to the informant's house and stated that if their daughter would have been fled away then their son might have committed suicide by setting himself on fire. Thereafter, on such



instigation, informant's son put himself on fire by sprinkling kerosene oil and later on, during the course of treatment, he died due to burn injury.

The learned counsel appearing on behalf of the petitioners submits that petitioners are innocent and have committed no offence. No case U/s 306/34 of IPC is made out against the petitioners as there is no allegation of any direct act or instigation against the petitioner leading to suicide. As per FIR, alleged statement was made to informant and not to son of the informant. Petitioners have got no criminal antecedent as stated in paragraph 3 of the bail petition.

Considering the facts of the case, in the event of arrest/surrender within eight weeks, let the petitioners, named above, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Gaya in Moffassil Police Station Case No. 43 of 2020, subject to the conditions laid down under sections 438(2) of the Code of Criminal Procedure.

**(Prabhat Kumar Singh, J)**

Shashi

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