

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39067 of 2020

Arising Out of PS. Case No.-131 Year-2020 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

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Shambhu Kumar Gupta Son of Ramji Prasad Resident of Maripur Butler
Chowk, Litchi Bagan, Quarter No. G/143(A), P.S.- Kazimohammadpur,
District - Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr. Y.V. Giri, Sr. Advocate Mr. Pranav Kumar, Advocate
For the Opposite Party/s :		Mr. Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 17-03-2021 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned Senior Counsel for the petitioner and
learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Kazi Mohammadpur P.S. Case No. 131 of
2020 registered for the offences punishable under Section 302,
201 & 498A of the Indian Penal Code.

Learned Senior Counsel for the petitioner submits that
the marriage between the petitioner and the deceased had taken
place about 18 years ago. The wife of the petitioner committed
suicide by hanging herself. The cousin brother of the wife of the



petitioner lodged the First Information Report saying that he was informed by 10 years old daughter of this petitioner that the petitioner had killed her mother by hanging her with a rope.

Learned Senior Counsel submits that in course of investigation the daughter of the present petitioner has not supported the case of the prosecution, though she has stated that there was a quarrel between her father and mother in the previous night but thereafter she had gone for a sleep and in the morning her mother was found hanging. Further submission of learned Senior Counsel is that those were the Corona period when the petitioner called for an ambulance and after finding that the wife had died had taken her for funeral and after furnishing proper information at the Ghat the dead body was cremated.

It is his submission that the victim had left a suicide note and the suicide note indicates that she was not having a cordial relationship with the petitioner, allegations were made that the petitioner had illicit relationship with some other women but in course of investigation the I.O. has not found any clue as regards the women with whom the petitioner is said to have been involved in illicit relationship. It is submitted that the petitioner has got three minor children who are dependent upon



him, investigation against him is complete and at this stage, it's being a case of suicide for whatever reason, the further incarceration of the petitioner would not come in aid of investigation/prosecution.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner. It is his submission that from the suicide note of the victim it appears that she was not getting good treatment from this petitioner and having got frustrated with her life she committed suicide.

Having regard to the facts and circumstances of the case wherein this Court has noticed that in course of investigation the daughter of the petitioner on whose statement the F.I.R. is said to have been lodged has not come up with the statement that her father had hanged her mother by rope, the suicide note is indicating that under frustration though with the behaviour of the petitioner, the wife of the petitioner had committed suicide and further considering that the petitioner has three minor children who are dependent upon him and the eldest one is 10 years old daughter, the petitioner is a govt. servant in Railway, investigation against the petitioner is complete and there is no submission that on granting him bail it would be difficult to secure his appearance, the further incarceration of the petitioner is not going to be in aid of



investigation/prosecution, considering the totality of the circumstances, this Court directs release of the petitioner above-named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur, in connection with Kazi Mohammadpur P.S. Case No. 131/2020, 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 the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of



bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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'.

