

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4215 of 2021

Arising Out of PS. Case No.-142 Year-2020 Thana- KATRA District- Muzaffarpur

1. RAMRATI DEVI W/o Mahesh Paswan Resident of Village- Lakhanpur, P.S.- Katra, District- Muzaffarpur.
2. Lalbabu Paswan S/o- Mahesh Paswan Resident of Village- Lakhanpur, P.S.- Katra, District- Muzaffarpur.
3. Vinita Kumari W/o- Lalbabu Paswan Resident of Village- Lakhanpur, P.S.- Katra, District- Muzaffarpur.
4. Arvind Paswan S/o- Mahesh Paswan Resident of Village- Lakhanpur, P.S.- Katra, District- Muzaffarpur.
5. Pooja Kumari @ Pooja Bhushan W/o- Arvind Paswan Resident of Village- Lakhanpur, P.S.- Katra, District- Muzaffarpur.
6. Manoj Paswan @ Manoj Kumar Saxena S/o- Late Shahid Sainik Visheshwar Paswan R/o Village- Bajapatti, P.S.- Bajapatti, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate
For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 14-12-2021 Heard Mr. Shubhesh Pandey, learned Advocate

for the petitioners and Mr. Nityanand, learned APP for

the State.

The petitioners seek bail in anticipation of their

arrest in connection with Katra P.S. Case No. 142 of

2020 dated 01.07.2020 instituted for the offences under

Sections 306/34 of the Indian Penal Code.



It has been alleged in the FIR that his daughter (deceased) had earlier filed a case against the petitioners under Sections 376, 313, 504 and 506/34 IPC in which she had alleged that because of the promise doled out to her of marriage by one Jitendra Paswan, she consented for sexual relationship. However, neither the marriage was performed nor any assurance was given to her. Later, when she became pregnant, the petitioners along with Jitendra Paswan managed to get her aborted.

It has further been alleged that in that case, nobody was being arrested. This and the insinuation by accused persons and threatening given to the victim goaded her to commit suicide.

Hence, this case.

Learned counsel for the petitioners has submitted that the deceased had developed relationship with one Jitendra Paswan for the last ten years. There was no force or coercion but for some reason or the other the marriage between could not be performed. In



the aforesaid case, Jitendra Paswan has sought anticipatory bail and his petition is still pending consideration before the High Court.

In the subject FIR i.e. with respect to abetment to commit suicide, aforesaid Jitendra Paswan has been granted regular bail by the court below.

So far as the petitioners are concerned, the accusation is absolutely vague. There is nothing on record to indicate that because of an earlier incident for which a case was lodged by the deceased and in which there had been no arrest for a long time, the deceased committed suicide. There is no traceable link between the act of the petitioners and the factors which led/goaded the deceased to commit suicide.

The learned counsel for the petitioners, therefore, has submitted that the offence under Section 306 IPC cannot at all be said to have been made out against the petitioners.

Regard being had to the aforestated facts and



taking into account that petitioner no. 1 being the mother of aforesaid Jitendra Paswan and petitioner no. 2 the maternal uncle, whereas petitioners no. 3 to 6 are related to aforesaid Jitendra Paswan and petitioners no. 1, 4 and 5 being ladies, they are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-XIV, Muzaffarpur in connection with Katra P.S. Case No. 142 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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