

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72434 of 2019

Arising Out of PS. Case No.-132 Year-2019 Thana- SAMSTIPUR RAIL P.S District-
Samastipur

-
1. Ved Prakash Pandey Son of Raghunath Pandey Resident of Village -
Dhamuaa Pataili, P.S.- Ujiarpur, Distt - Samastipur.
 2. Abhay Kumar Pandey @ Abhay Pandey Son of Raghunath Pandey Resident
of Village - Dhamuaa Pataili, P.S.- Ujiarpur, Distt - Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. Dr. Ajeet Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 06-12-2021 Heard Mr. Anil Kumar, learned Advocate for the
petitioners and Dr. Ajeet Kumar, learned APP for the
State.

The petitioners seek bail in anticipation of their
arrest in connection with Samastipur Rail P.S. Case No.
132 of 2019 dated 12.07.2019 instituted for the
offences under Sections 306/34 of the Indian Penal
Code.

The daughter of the informant appears to have
committed suicide.

She had presumably met with an accident on
the railway tracks and had died. With respect to such
death, an U.D. case was registered in the beginning.
However, with the recovery of a letter written by the



deceased, the present case has been instituted for the offence of abetting to commit suicide.

The deceased use to stay in her aunt's house, where one of the petitioners had also been residing.

The petitioners are the younger brothers of the uncle of the deceased.

It appears from the investigation reports and especially from the statement made by the mother of the deceased that while the deceased was prosecuting her studies residing in the house of her aunt, petitioner no. 1 developed love relations with her and was also agreeable for marrying her. The marriage could not take place because of family pressure. The petitioner no. 2, it has been urged, does not even permanently reside in the house in which the deceased had been residing immediately before her death.

Apart from this, it has been submitted that even the letter of suicide does not indicate anything which could even remotely point towards the complicity of the petitioners in abetting the suicide.

For the offence under section 306 I.P.C. to be brought home, the allegations have to be tested on the anvil of the provisions contained in section 107 of the I.P.C. which defines abetment. For anybody to abet somebody to commit offence, there should be a positive



act with the intention of instigation for the purpose of committing suicide.

Assuming but not admitting that one of the petitioners had developed relation with the deceased but the marriage could not be performed, that would not attract the mischief of Section 306 I.P.C. against him. So far as the petitioner no. 2 is concerned, there is no accusation of any kind as against him. He is also not said to have resided in the house on a permanent basis.

Regard being had to the afore-stated facts and taking into account the young age of the petitioners also, they are directed to be released on bail, in the event of their arrest or surrender before the court below, within a period of three 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 Judicial Magistrate, CR, Samastipur in connection with Samastipur Rail P.S. Case no. 132 of 2019, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

krishna/rashid

U		T	
---	--	---	--

