

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75437 of 2019

Arising Out of PS. Case No.-127 Year-2019 Thana- DINARA District- Rohtas

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Sanjay Singh, aged about 41 years, male, S/o Ramji Singh, R/o village-
Kanyari, P.S.- Dinara (Bhanas), District- Rohtas, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Samrendra, Adv.

For the Opposite Party/s : Md. Aslam Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

5 20-09-2021 Heard Mr. Rakesh Kumar Samrendra, the learned

Advocate for the petitioner and Md. Aslam Ansari, the

learned APP for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Dinara (Bhanas) P.S. Case No. 127
of 2019, dated 03.05.2019, instituted for the offences under
Sections 306 and 34 of the Indian Penal Code.

The maternal uncle of the deceased has lodged this



case alleging that his sister had died about five years ago while delivering child. The brother-in-law of the informant, thereafter, married another lady with whom two children have been born. From the earlier marriage of the sister of the informant, there is a son. It has then been alleged that on one day, the nephew of the informant told him on telephone that his father is charging him with stealing food-grains and, therefore, he shall not live any further. Later, the informant was told that the deceased has committed suicide.

The learned counsel for the petitioner has submitted that from the averments made in the F.I.R. itself, it would appear that the deceased had committed suicide. True it is that the mother of the deceased had died about five years ago and thereafter, the petitioner was married to another lady. However, despite the wife of the petitioner being the step mother of the deceased, she always treated the deceased very well. During the course of investigation, it has come to light that the relationship between the deceased and his parents were very cordial. Witnesses have



categorically stated that the wife of the petitioner always treated the deceased very well. Some of the witnesses however have stated that the deceased was a temperamental person and used to take exception to even minor jokes on him. He was suffering from some behavioural disorder for which he was being treated. The deceased was also in the habit of running away from his house but every time that he came back, he was made to understand that he should live properly in his house. Some of the witnesses have stated that the deceased, for most of the times, used to stay with his maternal grand parents. Whenever he came back to his village home, he was treated well.

Thus, it has been argued, assuming but not admitting that the death of the deceased is because of consumption of poison, the petitioner, as his father, cannot be blamed to have abetted the act of suicide. For the offence of abetment to be brought home, there should be an intention behind an act which would goad a person from committing suicide. There does not appear to be any



material in the investigation papers to indicate about such intention or the conduct of the petitioner which would reflect such intention.

Considering the afore-stated facts, a Bench of this Court *vide* order dated 26.11.2019 had called for the case diary and had granted interim reprieve to the petitioner.

The case diary has been received.

On perusal of the case diary, it appears that most of the witnesses, who have been examined during the course of the investigation, have testified to the fact that the deceased was treated well but he had a mercurial temperament. The *viscera* report though indicates the presence of *aluminium phosphide*, which is commercially known as *celphos*, but there is no accusation in the entire investigation reports that the deceased was made to consume the aforesaid poison.

The learned counsel for the petitioner, therefore, submits that he cannot be prosecuted for the offence of abetment to commit suicide.

For the reasons and arguments noted-above, the



petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Bikramganj, Rohtas/concerned Court in connection with Dinara (Bhanas) P.S. Case No. 127 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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