

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30973 of 2021

Arising Out of PS. Case No.-61 Year-2015 Thana- KATEYA District- Gopalganj

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1. Idrish Miya, S/o- Kodai Miya
 2. Mainuddin Miya, Son of Kodai Miya
 3. Samsuddin Miya, Son of Jhingur Miya.

All are resident of Village- Bankatiya, P.S.- Kateya, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vyas Kumar Mishra, Adv.
For the Informant	:	Mr. Pankaj Kumar Dubey, Adv.
For the State	:	Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 29-04-2022 Heard Mr. Vyas Kumar Mishra, the learned Advocate for the petitioners and Mr. Pankaj Kumar Dubey, the learned counsel for the informant.

The State is represented by the learned APP.

The petitioners seek bail in anticipation of their arrest in connection with Kateya P.S. Case No. 61 of 2015, dated 14.04.2015, instituted for the offences



under Sections 306 and 34 of the Indian Penal Code.

The father of the deceased has alleged in the F.I.R. that because of the threatening given by the petitioners to his son, he has committed suicide and has left behind a suicide note in which he has named the petitioners.

It has been submitted on behalf of the petitioners that this accusation is absolutely vague. In fact, the actual state of affairs have not been stated by the informant.

It has been submitted that the deceased during the subsistence of his marriage with his first wife, contracted another marriage which was not to the liking of his first wife. The first wife had been objecting to the deceased marrying another lady, more so when the deceased already had an eleven years old son with her. In this dispute, the cousins of the first wife, namely, the petitioners also jumped in the fray.

Many of the witnesses have stated during the course of investigation that the petitioners had threatened



the deceased of dire consequences and had warned him that he shall suffer because of his marrying another woman during the subsistence of his marriage with their sister.

Precisely for this reason, it appears from the submission advanced on behalf of the informant, that an informatory petition also was filed by the deceased prior to the suicide in which the petitioners have been named.

Be that as it may, from a perusal of the records of this case, it appears that the deceased had married another lady which was being opposed by the first wife and her brothers. The petitioners may have threatened the deceased, but that is a natural reaction of a brother of a woman whose marriage stands threatened because of her husband having married another lady. That by itself, it has been urged on behalf of the petitioners, could not be taken to be an instigation or abetment to commit suicide. For any wrong doing, it is natural that it will attract opposition but if a person committing the wrong cannot withstand such opposition, the other persons



cannot be held liable for abeting the act of suicide.

Apart from this, it is found that when an effort was made by the investigator to obtain the handwriting of the deceased so as to match the same with the handwriting in the suicide note, there was no cooperation of the informant.

Even, otherwise, the counsel for the petitioners has submitted that the offence under Section 306 of the Indian Penal Code, in the aforesaid background, cannot be made out.

Considering the afore-noted submissions and the materials collected during the course of investigation, the provisional bail granted to the petitioners *vide* order dated 17.01.2022 is, hereby, confirmed. They shall remain on the same bail-bonds.

The application stands allowed and disposed off accordingly.

(Ashutosh Kumar, J)

Praveen-II/-

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