

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26246 of 2022

Arising Out of PS. Case No.-192 Year-2021 Thana- KATIHAR MUFFASIL District- Katihar

Jay Prakash Mehta, Son of Late Dharmdeo Mehta, R/O- Aminabad, Mil Tola,
P.S.- Barari (Semapur O.P.), Distt.- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 26404 of 2022

Arising Out of PS. Case No.-192 Year-2021 Thana- KATIHAR MUFFASIL District- Katihar

Pursottam Kumar @ Purusottam Kumar, Son of Jay Prakash Mehta, R/O-
Aminabad, Mil Tola, P.S.- Barari (semapur O.P.), District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 26246 of 2022)

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr.Narendra Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 26404 of 2022)

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr.Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-08-2022 Since both the applications arise out of Katihar

Muffasil P.S. Case No. 192 of 2021, as such, they have been

heard together and are being disposed of by this common order.

Heard learned counsel for the petitioners and learned

APP for the State.

Let the defect (s), as pointed out by the office, be



removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Muffasil P.S. Case No. 192 of 2021 registered for the alleged offences under Sections 306 and 34 of the Indian Penal Code.

As per prosecution case, the petitioner Jay Prakash Mehta agreed to marry his son- petitioner Pursottam Kumar with the daughter of the informant and an agreement of the marriage was prepared after panchayati. But when the informant went to petitioner Jay Prakash Mehta for giving him Rs. 50,000/- as agreed as gift, he turned down the money saying that he would not marry his son with the daughter of the informant. The petitioner Pursottam Kumar also refused to marry with the daughter of the informant. Subsequently, when the informant told this fact to his wife, her daughter heard the story and later on she committed suicide and a case for abetment of suicide was registered against the petitioners.

The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. From the FIR, it is clear that no offence under Section 306 of IPC is made against the petitioners. They have not



instigated or abetted the daughter of the informant for committing suicide. During investigation, no material has been collected against the petitioners. Even from the facts of the FIR, it is apparent that there is only general allegations levelled against the petitioners and nothing specific and overt act has been attributed to them. Charge-sheet has been submitted in this case and the petitioners are in custody since 08.01.2022 and are having clean antecedent.

Learned APP opposes the prayer for bail submitting that due to refusal of the petitioners to marry petitioner, Pursottam Kumar with the daughter of the informant, she committed suicide.

Having regard to the submissions made hereinabove and considering the lack of any substantive material against the petitioners and remoteness of cause and effect leading to the suicide by the unfortunate victim girl and further considering the clean antecedent of the petitioners, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Court of Chief Judicial Magistrate, Katihar, in connection with Muffasil P.S. Case No. 192 of 2021, subject to



the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be the person, who has sworn the affidavit in the case.

(ii) The petitioners will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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