

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40003 of 2021

Arising Out of PS. Case No.-178 Year-2021 Thana- MASHRAK District- Saran

Sanjiv Kumar Singh Son of Om Prakash Singh Resident of Village near High School, Mashrakh, P.S. Mashrakh, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vindhya Keshri Kumar, Sr. Adv. Mr. Neeraj Kumar Alias Sanidh, Adv.
For the State	:	Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 21-02-2022 Heard learned senior counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in connection with Mashrakh P.S. Case No.178 of 2021 registered for the offence under Section 306/34 of the IPC.

The learned senior counsel for the petitioner submits that the petitioner is in custody since 31.03.2021, he is a person with clean antecedent and charge sheet has been submitted in this case.

It is further submitted that the informant alleges that his daughter (deceased) was married to the petitioner on 27.11.2009, after marriage the petitioner and his family members started torturing the deceased and demanded money and use to threaten her that they would kill her by strangulating.



It is further alleged that on 30.03.2021 at 01.30 PM the grand daughter of the informant informed him that the petitioner along with his parents have killed the deceased by strangulating her.

The learned senior counsel submits that the marriage was more than thirteen years old and in between these thirteen years no case ever came to be instituted, rather there were differences between the petitioner and deceased earlier also had attempted to commit suicide but was saved by her neighbour as it has come during the course of investigation also. The learned senior counsel further submits that though in the FIR it is alleged that it was the grand daughter of the informant who informed about the death of the deceased saying that he has been killed, but then during the course of investigation the police has not recorded the statement of the children of the deceased. The learned senior counsel further submits that the deceased in anger on account of fight on the day of occurrence as it has come during the course of investigation she locked herself inside a room and committed suicide and when the petitioner and the villagers came to know they immediately rushed and broke the door but by that time the deceased had already died.

The learned APP opposes the bail application and



submits that para-55 of case diary records asphyxia due to hanging but is not able to meet the submission of the learned senior counsel that marriage was thirteen years old and in between those thirteen years no case was ever instituted against the petitioner or his family members and that the police did not record the statement of the children of the deceased.

Considering the fact that the petitioner is in custody since 31.03.2021, he is a person with clean antecedent, charge sheet has been submitted in this case and has two children to look after and since it is a case under Section 306 of the IPC, the the petitioner, above named, is directed to be released on bail on 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, Ist Class, Chapra at Saran in connection with Mashrakh P.S. Case No.178 of 2021.

(Satyavrat Verma, J)

Prakash Narayan /-

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