

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33094 of 2022

Arising Out of PS. Case No.-187 Year-2021 Thana- PUNAURA District- Sitamarhi

Chitranjan Kumar Son of Vikram Mahato Resident of Village - Talkhapur,
Ward no.4, (Bari Bazar), P.s.- Panaura, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 13-12-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of
four weeks from today.

The petitioner seeks bail in connection with Punaura P.S.
Case No. 187 of 2021 registered for the offence under Sections
304(B) and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 21.03.2022.

The allegation against the petitioner is to cause death of
the daughter of the informant, alongwith other family members/co-
accused persons due to non-fulfillment of demand of dowry, which
was raised for an additional cash of Rs. 3,00,000/- (Three Lakh).

Learned counsel appearing on behalf of the petitioner
submitted that though initially the case was registered under Section



304(B) of Indian Penal Code but after investigation, charge-sheet has been submitted under Section 306 of the Indian Penal Code. It is submitted that marriage of petitioner with deceased was solemnized in year 2012, having three childrens and purely due to frustrations arises out of family affairs, the wife of petitioner committed suicide. It is also evident from the fact that no external injuries were noticed on the body of the deceased, while conducting post-mortem, negating allegation of physical assault, as set out through F.I.R. It is also pointed out that cause of death is “asphyxia due to hanging”. It is further submitted that nothing surfaced during the course of investigation, which may suggest that act of petitioner is such active or direct act leading the deceased to commit suicide, being left with no option and, as such, the element of abatement is also not available on the face of allegation. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as no external injuries were noticed, where cause of death is “asphyxia due to hanging”, negating version of informant as regard to physical assault coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Punaura P.S. Case No. 187 of 2021 on



furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi/concerned court, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Punita Sah, who is the sister of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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