

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38592 of 2022**

Arising Out of PS. Case No.-39 Year-2022 Thana- BIRAUL District- Darbhanga

ANIL CHOUDHARY @ ANIL KUMAR CHOUDHARY @ LALAN
CHOUDHARY SON OF LATE HARISHCHANDRA CHOUDHARY R/O
VILLAGE- DUMRI, P.S.- BIRAUL, DISTRICT- DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Senior Advocate
Ms. Vaishnavi Singh, Advocate
For the Opposite Party/s : Mr. Anil Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 12-09-2022 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 Biraul
P.S. Case No. 39 of 2022 registered for the offence under
Sections 504, 341, 323, 506, 306 and 34 of the Indian Penal
Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 10.05.2022.

The allegation against the petitioner is abet to commit
suicide to the son of the informant, who is also son-in-law of
this petitioner.



Learned senior counsel appearing on behalf of the petitioner submitted that the suicide note of the deceased, which is, available on record completely denying the occurrence, which is alleged to be calyx for the present occurrence. It is further submitted that the petitioner is father-in-law and admittedly, there is matrimonial dispute between deceased and daughter of the petitioner. It is also submitted that a divorce case was filed by deceased in the year 2018 against daughter of the petitioner and since then she was in her parental home, having no occasion to be present at the time of alleged occurrence. It is also submitted that there is no any activity or direct act leading the deceased to commit suicide, being left with no option to suggest that petitioner was under clear *mens rea* to commit present offence.

Learned APP duly assisted by learned counsel for the informant, while opposing the prayer of bail, fairly conceded the fact that there is a contradiction between suicide note and FIR.

Considering the facts and circumstances as mentioned above, as suicide note is not disclosing anything about the alleged occurrence, which is the basis of implication in the background of matrimonial dispute coupled with the fact that charge-sheet has already been submitted, let the petitioner,



above named, is directed to be released on bail in connection with Biraul P.S. Case No. 39 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Biraul, Darbhanga/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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