

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52182 of 2021

Arising Out of PS. Case No.-100 Year-2021 Thana- BIHAR District- Nalanda

Suraj Kumar, S/O Karu Sao, Resident of Birchait Malikpur, P.S.- Rajgir,
District- Nalanda, At Present residing at Mohalla- Bharawpar, P.S.- Laheri,
District- Nalanda (Biharsharif)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sidhendra Narayan Singh, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

For the Informant : Mr. Girdhar Gopal Tiwari, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 22-08-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Shidhendra Narayan Singh, learned counsel for the petitioner, Mr. Girdhar Gopal Tiwari, learned counsel for the informant and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Bihar P.S. Case No. 100 of 2021, giving rise to S.T. No. 352 of 2021, registered for the offences under Sections 306/34 of the Indian Penal Code.

The prosecution case is based on a written report filed by the mother of the deceased alleging therein that last year in a marriage function, the petitioner took the mobile number of her daughter and used to talk to her regarding studies. After some



time, the petitioner started making regular call and also threatened her, due to which the deceased got annoyed and frightened and just two days before the occurrence, she complained about the same to the parents of the petitioner. Thereafter the petitioner threatened with dire consequences. It is further alleged that on 05.02.2021 when the deceased did not return and her mobile was found switched off, a search was made, but they could not find her. The informant received an information that the petitioner (Suraj Kumar) assaulted her daughter. Next day i.e. on 06.02.2021, at about 5.00 AM in the morning the dead body of her daughter was found near Railway Station with her bag and on search of bag, a suicide note in her hand writing was found stating therein that being thrashed and perturbed by the action of Suraj Kumar (petitioner) and his parents she is committed suicide. It is also stated in the suicide note that Suraj tortured her physically and ruined her life.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is a Physical Fitness Trainer and he had no connection of any kind of affairs with the deceased girl, but she unilaterally used to talk to the petitioner on one reason or the other. It is next submitted that since the mother of the petitioner was at her last stage on account of Carcinoma, he



declined to extent any favour to the deceased, which causes annoyance to her and resulted into suicide. It is also submitted that the aforesaid facts of relationship between both the petitioner and the deceased was informed to the parents of the deceased and she was rebuked and scolded by her parents and it might be a case of honour killing. It is next submitted that during the course of investigation, none of the witnesses have stated that the deceased was seen while assaulting or intimidating the deceased, rather they have categorically stated that it is the deceased, who had scolded the petitioner and a day before her death, she had come to meet the petitioner, where some altercation has taken place between both of them and the deceased snatched her mobile and started fleeing away, whereafter she was chased and this petitioner took her mobile any how. Save and except the aforesaid facts, no material has come during the course of investigation. Learned counsel for the petitioner lastly submitted that the petitioner on being implicated in the present case, he himself surrendered in the court below on 09.02.2021 and since then he is in custody and moreover there is no material, which suggests that the petitioner has any how abated the deceased to commit suicide.

On the other hand, learned counsel for the informant



vehemently opposes the bail application and submits that the suicide note, found in possession of the deceased, speaks loudly as to how the deceased had been brutally assaulted and continuously tortured at the hands of the petitioner. It is also submitted that just before the occurrence, the deceased had made a complaint with regard to the conduct of the petitioner to his parents and they instead of asking their son to mend his ways, abused and threatened her and in the next morning she was found dead near the Railway track. Learned counsel for the informant also submits that from the inquest report as well as post-mortem report would suggest that as to how she was brutally assaulted, as several injuries have been found over the body of the deceased, especially on her face and head.

Learned APP for the State also opposes the bail application and submits that the independent witnesses have stated that just before the occurrence, the deceased had called them on their mobile and stated that she was mercilessly beaten by the petitioner and she was not in a position to show her face and on the next day her dead body was found.

Having regard to the submissions made on behalf of the parties and considering the materials available on record, especially the suicide note, which specifically accusing that the



deceased was mercilessly beaten by the petitioner, which facts also corroborated by the injuries found over the body of the deceased, which was not accidental or attributed to any one, except the petitioner. During the course of investigation, the statement of the petitioner was also recorded and he also admitted that 05.02.2021 just one day before the occurrence the deceased was beaten by him in course of altercation on account of taking away of his mobile by the deceased.

In view of the aforesaid facts and circumstances, as also the materials available on record, this Court is not persuaded to enlarge the petitioner on bail for the present. Accordingly, the present application for grant of bail stands rejected.

It is needless to say that the learned trial court will take all necessary measures to conclude the trial as early as possible.

However, if there would not be any substantial progress in the trial, the petitioner would be at liberty to renew his prayer for bail after six months.

(Harish Kumar, J)

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