

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46740 of 2022

Arising Out of PS. Case No.-143 Year-2022 Thana- KAHALGAON District- Bhagalpur

1. Ramjee Singh, aged about 64 years, male.
 2. Sumit Singh @ Sumit Kumar Suman, aged about 28 years, male.
- Both are S/o Late Thithar Singh, Resident of Village- Baiju Tola, P.S.-
Kahalgaon, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saurav Singh, Adv.

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 28-11-2022 Heard the learned counsel for the parties.

The petitioners, who are in custody since 20.05.2022 and who are own brothers, seek bail in connection with Kahalgaon P.S. Case No. 143 of 2022, dated 23.02.2022, instituted for the offences under Sections 302 and 34 of the Indian Penal Code.

The mother of the deceased has lodged the FIR



alleging that before she proceeded for her village home, her son (deceased) expressed his unwillingness to stay back in the house. On being questioned by the informant, the deceased had disclosed that because of the daughter of petitioner No. 1 had sometimes visited the deceased, the petitioners were contemplating to get him killed. On being asked about the source of such information, the deceased disclosed that the same was told to him by the daughter of petitioner No. 1. Later, the daughter of the informant was told by the wife of petitioner No. 1 that the deceased has hung himself which was visible from her house and which in fact was confirmed by her husband (petitioner No.1).

The informant, therefore, has alleged that because of the relationship between the deceased and the daughter of petitioner No. 1, her son has been killed and hanged from the ceiling so as to give it an adroit look of suicide.

The learned counsel for the petitioners has



submitted that the story narrated by the informant, who is the mother of the deceased, is full of inconsistencies, which make the narration unreliable. If the informant had lodged this case after 3 days of the death of her son, her explanation that she was in a disturbed mental state would have been acceptable only if there was some explanation as to what was done in the meanwhile.

It has further been submitted that there is nothing on record to indicate that the informant ever inspected the place of occurrence. How was the dead-body brought down from the ceiling and whether there were any signs of any intrusion in the house by anyone of the accused persons including the petitioners, who are neighbours, is not known.

There was no reason for the sister of the deceased to have withheld the information provided by the wife of petitioner No. 1 that the deceased had committed suicide from her mother or other relatives. Where was the sister of the deceased located is also not



known.

The learned counsel for the petitioners has further submitted that all the paragraphs quoted in the impugned order only refers to the statements of the mother, sister and others, who have jumped to the conclusion that since there was a death by hanging, the petitioners have caused the same and have hanged the dead-body from the roof. In the absence of any sign of outsiders entering the house by force or any other evidence corroborating such accusation, which, according to the petitioner, is a wild one, the petitioners cannot be held liable for the same for the purposes of keeping them in continued incarceration.

It has also been submitted that there is no cogent evidence worth its name to connect the petitioners with the crime except for a wild guess that because the daughter of petitioner No. 1 sometimes visited the deceased, that would have prompted the killing of the deceased at their behest.



Apart from this, it has been submitted that during inquest, a paper was found near the dead-body which apparently was written by the deceased, seeking an apology from his mother that he committed suicide.

The contents of such "suicide note" has not been verified.

Two inconsistencies appear from the afore-noted arguments, the narration in the First Information Report and the evidence collected up-till now. (i) There was no occasion for the wife of petitioner No. 1 to have alarmed and alerted one member of the family of the deceased. This makes the statement of the informant that the sister of the deceased was informed about the occurrence, therefore does not inspire confidence. (ii) Similarly, in the absence of any other supporting evidence, there could be a possibility of the deceased having committed suicide.

For the allegations being in the realm of imagination and guess work, the petitioners, above-



named, are directed to be released on bail on their
furnishing bail-bonds in the sum of Rs. 10,000/-
(Rupees Ten Thousand) each with two sureties of the
like amount each to the satisfaction of learned Chief
Judicial Magistrate, Kahalgaon in connection with
Kahalgaon P.S. Case No. 143 of 2022.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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