

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59816 of 2021

Arising Out of PS. Case No.-82 Year-2021 Thana- BARBIGHA District- Sheikhpura

Saurav Kumar @ Saurav Ganguli S/O Sanjay Prasad R/O Village-Ahiyapur,
P.S- Sarmera, District-Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Nandan Prasad

For the Opposite Party/s : Mr.Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 28-09-2022 Let the defects, if any, be removed within four weeks from today.

Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in connection with Barbigha P.S. Case No. 82 of 2021 for the offences punishable under Sections 302/34 of the Indian Penal Code.

The prosecution case is based on the fardbeyan of the informant alleging therein that on 25.03.2021, the petitioner informed the informant that his younger daughter Sonam Kumari, has been killed and the informant suspected the hands of the petitioner in killing of his



daughter with the help of his companion and hanged the body of the daughter in order to make it a case of suicide.

Learned counsel for the petitioner submits that in fact no occurrence in the manner alleged to have taken place and the entire prosecution case is based on suspicion. He next submits that there is no eye witness to the alleged occurrence and the step mother of the deceased has also admitted the factum of suicide. He next submits that during the investigation, the statement of independent witness namely, Aditya Kumar @ Ajit Kumar was recorded by the police, in which he categorically stated that this petitioner had asked about the victim girl on mobile and when he said that the door is closed thereupon, he asked it to get it open through the screw driver, the door was opened, thereupon, victim was found hanging in the roof. He next submits that the statement of the sister of the victim was also recorded and she had categorically stated that just a day before the occurrence an altercation had taken place between the petitioner and the victim, who were having love affair and the altercation might be one of the reason of commission of suicide. He also submits that during the course of trial, the



informant has been examined and he has also raised suspicion and no cogent material has come against the petitioner. He lastly submits that the petitioner is a student having fair antecedent is in custody since 27.09.2021.

On the other hand, learned counsel for the State as well as the informant opposed the bail application and submits that petitioner used to live with Sonam Kuamri and from the post mortem report, it appears that the cause of death is asphyxia due to strangulation and the petitioner is responsible for commission of the murder of the deceased. They further submit that ample materials have come which suggest the complicity of the petitioner.

Regard being had to the submission made on behalf of the of the parties and considering the fact that no external injuries have been found over the body of the deceased and the body was brought up from the room which was found closed from inside, apart from the fact that the petitioner having fair antecedent is in custody since 27.08.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the



satisfaction of learned Chief Judicial Magistrate, Sheikhpura in connection with Barbiga P.S. Case No.82 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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