

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24511 of 2023**

Arising Out of PS. Case No.-522 Year-2022 Thana- DESARI District- Vaishali

Tuntun Kumar @ Tuntun Kumar Sah S/O Sita Ram Sah Resident Of Village-
Harail, P.S.- Mohiuddin Nagar In The District Of Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar, Advocate

For the Opposite Party/s: Mr. Anil Kumar Singh, No.1, APP

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

3 10-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Desari
P.S. Case No.522 of 2022 registered for the offence under
Sections 498-A, 304-B and 34 of the Indian Penal Code.

3. The accused/petitioner is named in the F.I.R. and is
in custody since 09.12.2022.

4. The allegation against the petitioner who is
husband is to cause death of the daughter of informant



alongwith other co-accused person/family members due to non-fulfillment of demand of dowry as raised for cash of Rs. 2,00,000/- for purchasing a vehicle.

5. Learned counsel appearing on behalf of the petitioner submitted that his implication with the present case as he is husband of deceased, without having cogent materials. It is submitted that present occurrence took place in the parental home, where daughter of informant committed suicide by jumping into the well and for the said reason police submitted charge-sheet under Section 306 of the Indian Penal Code. It is submitted that allegation as to push deceased into well against the petitioner is only to aggravate the allegation. It is submitted that if the version of eye-witness be taken into consideration then upon postmortem certain injuries must be noticed upon deceased as it is specifically stated by eye-witnesses that soon before pushing deceased into well, the petitioner alongwith his mother assaulted physically deceased but same appears not convincing in want of external injuries. It is also pointed out that act of petitioner is not so direct or active, which may compel the daughter of informant to commit suicide without having any other option. In support of the submissions, learned counsel relied upon the report of Hon'ble Supreme Court in the matter



of *Gurcharan Singh v. State of Punjab* as reported *2016 SCC (Online SC 1415)*. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, while opposing the prayer for bail submitted that petitioner is husband having specific allegation to push daughter of informant into well, where death is also appearing corroborating as same appears 'asphyxia due to drowning'.

7. In view of the facts and circumstances as mentioned above as no external injuries noticed upon deceased in view of statement of eye-witnesses, who specifically said that before pushing daughter of informant into well by this petitioner, was assaulted physically, where charge-sheet has also submitted under Section 306 of the Indian Penal Code, where petitioner is in custody since 09.12.2022, accordingly, petitioner, above named, is directed to be released on bail in connection with Desari P.S. Case No.522 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 Chief Judicial



Magistrate, Vaishali at Hajipur/concerned court, subject to the
conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

S.Tripathi/-

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