

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24394 of 2023

Arising Out of PS. Case No.-40 Year-2022 Thana- KANGLI District- West Champaran

Ajay Sahni, Son of Ramadhar Sahni, Resident of Village-Sidhwaliya, PS-Kangali, Dist- West Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 02-08-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection with Kangli P.S. Case No.40 of 2022 registered for the offence punishable under Section 304-B read with 34 of the Indian Penal Code.

3. The accused/petitioner is named in the FIR and is in custody since 14.03.2023.

4. Allegation against the petitioner is to cause death of daughter of the informant along with family members/co-accused persons due to non-fulfilment of demand of dowry as raised for unexplained amount of cash or kinds.

5. It is submitted by learned counsel that this unfortunate occurrence took place just after two months of the marriage, as the deceased was not happy with present marriage



but, she solemnized marriage out of pressure of her parents with this petitioner. It is submitted that deceased out of said frustration committed suicide and same is apparent also from the postmortem report, where cause of death is “**asphyxia as a result of hanging**”. Learned counsel further submitted that absence of external injury clearly suggest that the deceased was not assaulted physically soon before the occurrence, suggesting any cruelty on part of petitioner. While travelling over argument, it is further submitted that nothing surfaced during the course of investigation, which may suggest that act of petitioner is so direct or active which may compel the daughter of informant to commit suicide without leaving no other option and in support of his submission, learned counsel relied upon the report of Hon’ble Supreme Court as reported in the matter of **Gurucharan Singh vs. State of Punjab** reported in (2016) SCC Online SC 1415. While concluding argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer for grant of bail to the petitioner.

7. In view of above-mentioned facts and



circumstances and by taking note of fact as death appears out of suicide, where no external injuries noticed upon deceased suggesting any physical assault, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 14.03.2023, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-9th, West Champaran, Bettiah in connection with Sessions Trial No.106 of 2023 arising out of Kangli P.S. Case No.40 of 2022, subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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