

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31236 of 2023

Arising Out of PS. Case No.-469 Year-2020 Thana- MADHEPURA District- Madhepura

Ashok Sada S/O Janeshwar Sada R/O Village- Murho Tola, Santnagar, P.S-
Madhepura O.P. Bharrahi, Distt.- Madhepura.

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Uday Chand Prasad, Advocate
	:	Mr. Manoj Kumar, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Madhepura (Bharrahi O.P.) P.S. Case No. 469 of 2020 registered
for the offence under Section 304-B/34 of the Indian Penal Code
later on Section 306 of the Indian Penal Code has been added.

The accused/petitioner is named in the F.I.R. and is in
custody since 14.05.2022.

The allegation against this petitioner is to cause death
of daughter of informant alongwith other co-accused
persons/family members due to non-fulfillment of demand of



dowry, as raised for one motorcycle.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner implicated with this case falsely only for the reason that he is the husband of the deceased daughter of informant. It is submitted that after investigation police submitted charge-sheet under Section 306 of the Indian Penal Code against this petitioner and as such this case not found true in terms of allegation. It is submitted that nothing surfaced during the course of investigation, which may suggest that the act of petitioner is so direct or active, which may force deceased to commit suicide without leaving any other options and in support of his submissions learned counsel relied upon the report of Hon'ble Supreme Court in the matter of **Gurcharan Singh Vs. State of Punjab** as reported through **2016 SCC online SC 1415**. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail fairly conceded the fact that after investigation, charge-sheet has been submitted against this petitioner under Section 306 of the Indian



Penal Code.

Considering the facts and circumstances as mentioned above, as charge-sheet has been submitted against this petitioner under Section 306 of the Indian Penal Code, where nothing incriminating appears during the course of investigation to suggest, prima facie, that the act of petitioner is so active or direct to force deceased to commit suicide without leaving any other options, where petitioner is in custody since 14.05.2022, accordingly the petitioner, above named, is directed to be released on bail in connection with Madhepura (Bharrahi O.P.) P.S. Case No. 469 of 2020 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, Madhepura/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C., with further conditions:

“(i) That if the accused/petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically



present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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