

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32669 of 2023**

Arising Out of PS. Case No.-136 Year-2021 Thana- AWTARNAGAR District- Saran

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Pawan Kumar @ Pawan Kumar Gupta Son Of Amarnath Sah Resident Of
Village- Haraji, Ps- Autar Nagar, Distt- Saran, Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

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

2 31-07-2023 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 Autar
Nagar P.S. Case No.136 of 2021 registered for the offence under
Sections 304B and 34 of the Indian Penal Code.

3. The accused/petitioner is named in the F.I.R. and is
in custody since 04.03.2023.

4. The allegation against the petitioner is to cause
death of the daughter of the informant alongwith other co-
accused persons/family members due to non-fulfilment of
demand of dowry as raised for cash of Rs.1,00,000/- and one
four wheeler vehicle.

5. Learned counsel appearing on behalf of the
petitioner submitted that petitioner has been falsely implicated



in the present case only being husband of the deceased. It is submitted that deceased wife of petitioner being a lady of short temperament committed suicide out of normal matrimonial discord after five years of marriage, where there is no any previous occasion as to raise demand of dowry and any mental or physical cruelty. It is submitted that upon postmortem no external injuries were noticed upon deceased suggesting that she was physically assaulted soon before the occurrence. It is also submitted that the act of petitioner not appears so direct or active, which may compel daughter of informant to commit suicide without leaving no 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)***. It is further submitted that occurrence was duly informed by the petitioner to the informant and thereafter informant came to join the last rites of his daughter. It is pointed out of narration of the F.I.R., that implication is on the basis of suspicion only. 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, opposes the prayer for bail.

7. In view of the facts and circumstances as mentioned above as postmortem of deceased suggests death out of suicide, where no external injuries were noticed upon dead body coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 04.03.2023, accordingly, petitioner, above named, is directed to be released on bail in connection with Autar Nagar P.S. Case No.136 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-I, Saran at Chapra/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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