

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31245 of 2023

Arising Out of PS. Case No.-191 Year-2021 Thana- KASHICHAK District- Nawada

Keshav Kumar Son of Jairam Singh R/O Village- Subhanpur, P.S.- Kashichak,
District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pushkar Naresh Shahi, Sr. Advocate
	:	Mr. Shivam, Advocate
For the Opposite Party/s	:	Mr. Pravin Kumar, Advocate
For the State	:	Mr. Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-07-2023 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
Kashichak P.S. Case No. 191 of 2021 registered for the offence
under Section 304-B/34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 27.02.2023.

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 Rs. 5 lacs, golden chain and a bullet motorcycle.

Learned senior counsel Mr. Pushkar Naresh Shahi appearing on behalf of the petitioner submitted that the implication of this petitioner is false with present case, which appears only for reason that he is the husband of the deceased, who was a short temper lady and out of routine matrimonial discord/family frustration, committed suicide. It is submitted that no external injuries were noticed while conducting postmortem upon deceased, suggesting that she was not assaulted physically soon before the occurrence. It is submitted that nothing surfaced during the course of investigation, which may suggest that the act of petitioner was so direct or active which may force deceased to commit suicide, without leaving any other options and in support of his submissions learned senior 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 traveling over the argument, it is submitted that a suicide note was also recovered/collected during the course of investigation by police,



suggesting no incriminating materials against this petitioner and moreover, by considering the same suicide note, one of the learned co-ordinate Bench of this Court granted anticipatory bail to in-laws of the deceased through Cr. Misc. No. 68016 of 2022 vide order dated 15.03.2023. While concluding the argument, it has been submitted that 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 duly assisted by learned counsel Mr. Pravin Kumar appearing on behalf of informant while opposing the prayer of bail submitted that the thrust of allegation is available against this petitioner, being husband of the deceased.

Considering the facts and circumstances as mentioned above, and by taking note of the fact, as suicide note is not suggesting any incriminating material against petitioner, where during the course of investigation, nothing appears to suggest that the act of petitioner was so active or direct to force deceased to commit suicide without leaving any other options, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 27.02.2023, accordingly the petitioner, above named, is directed to be released on bail in connection with Kashichak P.S. Case No. 191 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 Additional Chief Judicial Magistrate, VI, Nawada/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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