

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36262 of 2023

Arising Out of PS. Case No.-438 Year-2019 Thana- BARACHATTI District- Gaya

1. Vikash Kumar @ Vikash Ravidas Son Of Late Bigu Ravidas @ Late Biqu Ravidas Village- Lalganj, Ps- Mohanpur, Distt- Gaya
2. Chauhan Kumar @ Chauhan Son Of Late Ramashankar Ravidas Resident Of Village- Andhaiya, Ps- Arwalbetta, Distt- Hardoi, Up

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-07-2023 Heard learned counsel appearing on behalf of the
petitioners 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 petitioners seek bail in connection with
Barachatti (Mohanpur) P.S. Case No. 438 of 2019 registered for
the offence under Sections 302 and 201 of the Indian Penal
Code.

The accused/petitioners are not named in the F.I.R.
and are in custody since 30.04.2022.

As per F.I.R., informant found unknown dead body
hanging with *Mahua tree* on 16.09.2019 at about 7:10 A.M.,



where during the course of investigation, petitioners were found to commit murder.

Learned counsel appearing on behalf of the petitioners submitted that petitioners are not named in F.I.R. and their name surfaced during the course of investigation as they alongwith deceased, being relative, living together at the house of co-accused, namely, Rita Devi. It is submitted that as marriage of deceased could not negotiated with the daughter of co-accused Rita Devi for certain reasons, he committed suicide by hanging himself with *Mahua tree*. It is submitted that this fact further appears corroborating as cause of death in terms of post-mortem report appears as “**asphyxia due to hanging**” without any external bodily injury. It is further submitted that after investigation charge-sheet was submitted in this case under Section 306 of the Indian Penal Code, where during the course of investigation nothing appears which may suggest that act of petitioners is so active or direct which may compel deceased to commit suicide without leaving no other option. In support of his statement learned counsel for the petitioners relied upon the report of Hon’ble Supreme Court as reported in the matter of ***Gurucharan Singh vs. State of Punjab (2016 SCC online SC 1415)***. It is submitted that both petitioners are men of clean



antecedent.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as charge-sheet submitted under Section 306 of the Indian Penal Code, where nothing appears during the course of investigation, which may suggest, *prima facie*, that act of petitioners is so active or direct which compelled deceased to commit suicide without leaving no other option, where petitioners are in custody since 30.04.2022, accordingly, both the petitioners, above named, are directed to be released on bail in connection with Barachatti (Mohanpur) P.S. Case No. 438 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned I/C A.C.J.M. Sherghatti, Gaya/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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