

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36009 of 2023

Arising Out of PS. Case No.-61 Year-2023 Thana- DAGARUA District- Purnia

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1. Md. Irphan S/O Jamil R/O Village- Chandmathi, P.S- Dagarua, Distt.- Purnea, Bihar.
 2. Sugiya @ Sugiya Devi W/O Md. Irfan R/O Village- Chandmathi, P.S- Dagarua, Distt.- Purnea, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nishant Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-07-2023 Heard Mr. Nishant Kumar, Senior learned counsel appearing on behalf of the petitioners and the learned APP for the State.

2. The petitioners, who are parents-in-law of the deceased apprehending their arrest in connection with Dagarua P.S. Case No. 61 of 2023 registered for the offence punishable under Section 306/34 of the Indian Penal Code.

3. It is alleged that the marriage of the daughter of the informant was solemnized with the son of the petitioners in the year 2009 and from their wedlock three daughters and two sons were born. It is further alleged that the informant has been informed that on account of some hot exchange of words



between the husband and wife, the deceased committed suicide.

4. Learned counsel appearing on behalf of the petitioners submits that from the narration of the F.I.R., it is evident that there is no specific allegation of commission of abatement to commit suicide. That apart, admittedly the marriage was solemnized way back in the year 2009 and there had never been any demand of dowry or ill treatment. He further submits across the bar that he has been informed by his client that the husband of the deceased Md. Ejaj was put on trial in Sessions Trial No. 212 of 2023 which resulted into his acquittal vide order dated 22.07.2023. Furthermore, the petitioners are persons of fair antecedent.

5. On the other hand, learned APP for the State vehemently opposes the pre-arrest bail application of the petitioner and submits that the deceased committed suicide in her matrimonial home where the petitioners were present.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the marriage was solemnized in the year 2009 and during the course of the investigation no adverse material has come. Moreover, even as per the inquest report as well as postmortem report, no external injuries over the body of the deceased has been found, let the



above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea, in connection with Dagarua P.S. Case No. 61 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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