

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39727 of 2023

Arising Out of PS. Case No.-95 Year-2021 Thana- VISHAMBHARPUR District- Gopalganj

Tunna Ansari Son of Harun Ansari Resident of village - Khem Matihaniya,
P.S. - Vishambharpur, Distt. - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

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

3. The petitioner seeks bail in connection with
Vishambharpur P.S. Case No. 95 of 2021 PTN No. 602 of 2021
registered for the offence under Sections 328, 302 and 34 of the
Indian Penal Code.

4. The accused/petitioner is named in the F.I.R. and
is in custody since 10.02.2022.

5. The allegation against the petitioner is to commit
murder of daughter of informant alongwith other co-accused
persons/family members due to non-fulfillment of demand of
dowry as raised for cash of Rs. 1 lakh for starting a business of



liquor, as per F.I.R. marriage took place somewhere in 2013 whereas occurrence took place on 29.07.2021.

6. Learned counsel appearing on behalf of the petitioner submitted that the implication of petitioner is only being husband and as deceased wife of petitioner being a lady of short temperament, committed suicide out of normal matrimonial discord was implicated falsely with present case. It is submitted that informant is not the eye witness of the occurrence and entire allegation is based upon hearsay input. Learned counsel further submitted that as per postmortem report no external injuries were noticed upon, suggesting that the deceased was not assaulted soon before the occurrence as narrated through F.I.R. It is also submitted that the act of petitioner cannot be said so direct or active, which may force the daughter of informant to commit suicide without leaving no any other options. In support of his submission, learned counsel relied upon the report of Hon'ble Supreme Court as reported through **2016 SCC onLine SC 1415** in the matter of **Gurcharan Singh Vs. State of Punjab**. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the



evidence.

7. Learned APP opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above, as no external injuries were noticed upon dead body of daughter of informant in the background of the allegation that she was assaulted soon before the occurrence, where cause of death is yet to ascertain, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 10.02.2022, accordingly, above named petitioner is directed to be released on bail in connection with Vishambharpur P.S. Case No. 95 of 2021 PTN No. 602 of 2021 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 Additional Sessions X, Gopalganj/ 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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