

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40857 of 2023

Arising Out of PS. Case No.-197 Year-2022 Thana- HABIBPUR District- Bhagalpur

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JAIKANT BHARTI Son of Ghanshayam Chaurasiya Resident of Village -
Daudwat, P.S.- Habibpur, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-07-2023 Heard Mr. Deepak Kumar Sinha, learned counsel

for the petitioner and Mr. Bharat Bhushan, learned APP for the

State.

The petitioner is an accused in connection with
Habibpur P.S. Case No. 197 of 2022 registered for the offences
under sections 304(B) and 34 of the Indian Penal Code lodged
on 26.11.2022 by the informant, Rajendra Modi.

As per the prosecution story, the informant alleged
that he got phone call from his son-in-law that his daughter is ill
whereafter he sent his son and brother to enquire about it and
came to know that she is no more. The further allegation is that



the petitioner was jobless and was demanding Rs. 5 lakhs for business. Accordingly, the FIR.

Learned Counsel for the petitioner submits that the relationship between the couple was very cordial and they were also blessed with a male child but as he lost his job in Covid-19 could not fulfill the demands of the lady, she was under depression and after closing the door committed suicide.

It is his submission that the death has been opined due to hanging. The last submission is that he is in custody since 27.11.2022 (as stated in paragraph 4 of the bail petition).

Learned APP for the State, on the other hand, opposes the prayer for bail stating that within three years of marriage, the said death took place and as such, the petitioner cannot exonerate himself from the allegation.

This Court finds force in the submission of the learned APP, the petitioner being her husband was duty bound to take care of her and if she was in depression to get her out of it.

However, as per the submission put forward by the learned Counsel for the petitioner that the postmortem report shows the death due to hanging, the FIR having been lodged ultimately he will have to face the trial, do not have criminal antecedent and is in jail since 27.11.2022, this Court is inclined



to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Bhagalpur in connection with Habibpur P.S. Case No. 197 of 2022, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.



With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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