

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49675 of 2023

Arising Out of PS. Case No.-1 Year-2021 Thana- MAHISHI District- Saharsa

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SUDHIR RAY @ SUDHIR KUMAR RAY SON OF RAMSAGAR RAY
RESIDENT OF VILLAGE- KHORA BATTAR, PS- MAHISHI (JALAI OP),
DISTT- SAHARSA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-08-2023 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Mahisi (Jalai OP) P.S. Case No. 1 of 2021 registered for the
offence under Sections 304B and 201/34 of the Indian Penal
Code.

3. The accused/petitioner is named in the F.I.R.
and is in custody since 13.02.2023.

4. The allegation against the petitioner is to
cause death of daughter of the informant, along with other co-
accused persons/family members, due to non-fulfillment of
demand of dowry, as raised for unexplained amount of
cash/kinds. The allegation of physical assault is also available



against accused persons including petitioner.

5. Learned counsel appearing on behalf of the petitioner submitted that implication of the petitioner is only for the reason as he appears to be husband of the deceased. It is submitted that in fact, wife/deceased committed suicide, after consuming poisonous substance, while working in field, which was not in knowledge of this petitioner. It is submitted that postmortem report does not reveals any external injury, suggesting that no physical assault was caused soon before the occurrence, where dead body found in open field, 3 km. away from house. It is further submitted that nothing surfaced incriminating, during course of investigation, which may suggest that act of the petitioner was so direct or active, as to compel his wife to commit suicide without leaving any other option. In support of submission, learned counsel relied upon the report of Hon'ble Supreme Court as report through **2016 SCC Online SC 1415**, in the matter of **Gurcharan Singh Vs. State of Punjab**. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.



6. Learned APP appearing on behalf of the State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as dead body of daughter of the informant found, in open field, where, on postmortem, no external injury was noticed, negating any physical assault soon before the occurrence coupled with the fact that charge-sheet has already submitted, where, petitioner is a man of clean antecedent and in custody since 13.02.2023, let the petitioner, above named, is directed to be released on bail in connection with Mahisi (Jalai OP) P.S. Case No. 1 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 SDJM, Saharsa/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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