

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62702 of 2023

Arising Out of PS. Case No.-250 Year-2022 Thana- BAHADURPUR District- Darbhanga

SAURABH SUMAN @ SHAURABH SUMAN SON OF SANTOSH
KUMAR YADAV RESIDENT OF VILLAGE- SHYAMPUR, PS- ALI
NAGAR, DIST- DARBHANGA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate Mr. Gajendra Prasad Yadav, Advocate Mr. Navnit Kumar, Advocate
For the State	:	Mr. Pawan Kumar Chaurasia, APP
For the Informant	:	Mr. Bipin Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 06-12-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Bahadurpur P.S. Case no.250 of 2022 registered under section 304B of the Indian Penal Code.

3. As per the prosecution case, the informant states that he is the investigating officer of U.D. Case no.12 of 2022 which was registered on account of death of wife of the petitioner. She had hung herself and on an information having been received, preliminary enquiry was conducted and U.D. Case no.12 of 2022 was registered on 26.5.2022. The petitioner and the deceased had entered into a love marriage. She was



subsequently tortured which resulted in her committing suicide. Subsequently this F.I.R. was registered on 7.6.2022 under section 304B of the Indian Penal Code.

4. Learned Senior counsel appearing for the petitioner submits that from the contents of the F.I.R. itself, it would be evident that the case commenced with lodging of the U.D. Case. The father of the deceased had not made any adverse statement against this petitioner. It was over a trivial dispute that the wife of the petitioner hung herself which is evident from the postmortem examination also. None of the witness has supported the prosecution case in course of investigation. The petitioner is in custody since 11.6.2023 and undertakes to cooperate in the trial.

5. The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. Learned counsel for the informant submits that from the very beginning the deceased was tortured by not only the petitioner-husband but also the members of his family but it was the police who in an attempt to help the accused, registered the U.D. case. However, ultimately this F.I.R. came to be registered. It is submitted that much prior to the occurrence, on 22.7.2021, a petition had been filed in the learned Court below expressing



apprehension of untoward incidence occurring towards this deceased. Once again, immediately on lodging of the F.I.R. on 7.6.2022 that the protest petition was filed on 15.6.2022.

6. In reply, learned Senior counsel appearing for the petitioner submits that though a protest petition was filed, no such protest petition was filed after registration of the U.D. case on 26.5.2022.

7. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R., the submissions made by the parties, the contents of the postmortem report wherein the cause of death is said to be asphyxia as a result of hanging and the petitioner being the husband of the deceased, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

8. In the facts of the case, liberty is granted to the petitioner to renew his prayer for bail after framing of charge.

(Partha Sarthy, J)

Saurabh/-

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