

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63151 of 2023

Arising Out of PS. Case No.-354 Year-2022 Thana- NAWANAGAR District- Buxar

Md. Saddam S/O Late Bhuwar R/O Village- Sara, P.S- Nawanagar, Distt.-
Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Mohit Shrivastava, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-10-2023 Heard Mr. Yogesh Chandra Verma, learned senior
counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Nawanagar (Sonbarsa) P.S. Case No. 354 of 2022 registered for
the offence punishable under Sections 304-B and 498-A/34 of the
Indian Penal Code.

3. Accused/petitioner is named in the F.I.R and is in
custody since 05.07.2023.

4. Allegation against the petitioner is to cause death of
daughter of the informant along with other co-accused
persons/family members due to non-fulfilment of demand of
dowry as raised for motorcycle and golden chain.

5. It is submitted by Mr. Yogesh Chandra Verma,
learned senior counsel appearing for the petitioner that petitioner
has been falsely implicated in the present case, only for the reason
that he is husband of the deceased. It is submitted that at the time



of occurrence petitioner was at Daman in Gujarat, in his professional engagement. It is also pointed out that out of routine matrimonial discord and family feud, the wife of the petitioner hanged herself and committed suicide, which has been given the colour of dowry death subsequently without having any legal ingredients as to make out any prima-facie case as alleged. It is submitted that even as per post-mortem report, no external injuries were noticed upon the body of the deceased wife of the petitioner, suggesting thereof that she was not physically assaulted soon before the occurrence. It is also submitted that the cause of death is asphyxia caused by hanging. By concluding argument, learned senior counsel submitted that nothing surfaced during the investigation which may suggest that the act of petitioner is so direct or active as to compel the deceased wife to commit suicide without leaving no any other option and by submitting so, he relied upon report of Hon'ble Supreme Court as reported in the matter of **Gurucharan Singh Vs. State of Punjab** reported in **2016 SCC Online SC 1415**. It is submitted that petitioner is a man of clean antecedent and moreover investigation of this case has been completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned A.P.P. for the State opposes the prayer for bail of the petitioner.



7. In view of above-mentioned facts and circumstances, as post-mortem report prima-facie suggested death as suicide where nothing surfaced during the course of investigation as to suggest the act of petitioner was so direct or active which compelled her deceased wife to commit suicide without leaving no option, coupled with the fact that the charge-sheet has already submitted where the petitioner is in custody since 05.07.2023, accordingly, petitioner above-named is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Nawanagar (Sonbarsa) P.S. Case No. 354 of 2022, subject to condition as laid down under Section 437(3) of the Cr.P.C. and with further condition:-

That petitioner shall co-operate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner duly supported by the documents.

(Chandra Shekhar Jha, J.)

Sanjeet/Rajeev-

U		T	
---	--	---	--

