

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82641 of 2023

Arising Out of PS. Case No.-442 Year-2021 Thana- GAYA MUFASIL District- Gaya

Shivnath Prasad Gupta @ Bhikari Sonf Oa Lte Mathura Sao @ Mathura
Prasad Gupta R/O Village- Narayan Nagar Manpur, P.S.- Mufassil, Dist.-
Gaya

... .. Petitioner/s

Versus

The State of Bihar PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vaishnavi Singh

For the Opposite Party/s : Mr. Binod Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 20-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in a case registered for the offence punishable under sections 302, 306/34 and 354 of the Indian Penal Code.

3. As per allegation in the FIR, informant had solemnized love marriage in the year 2015 with the daughter of the petitioner at Vishnupad mandir and started to lead their conjugal life at Lohardagga and informant was working there as driver for maintaining his family. In the year 2017, father-in-law of the informant (petitioner) asked the informant to see his business at Gaya. Thereafter, informant with his wife shifted to Gaya and started to reside at a rented house in Lakhibag and



engaged in the sweet shop of his father-in-law. In the year 2021, he opened his own sweet shop and he again shifted his residence at the upper floor of his shop. It is alleged that in absence of informant, petitioner used to visit his residence and with bad intention used to touch body of his wife. His wife disclosed regarding bad intention of his father to her brother and sister but they threatened her that if you will disclosed it to anyone, she will be declared mad and will be sent to mental home. It is further alleged that due to mental harassment, she with her seven year old child committed suicide by hanging.

4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. Daughter of the petitioner was in love with the informant and later on they performed love marriage at Gaya temple and in that marriage, all family members were present there including the petitioner. After marriage, informant's parents did not allow him to live in their house and drove them from his house. At several occasions, petitioner had financially helped the informant. In fact, informant failed to pay the rent of the house and shop for which landlord several times asked them to vacate the premises and thereafter, in scarcity of monetary sources, her daughter committed suicide. As per postmortem report, cause of death is



asphyxia due to hanging and no other injury was found on the body of any of the deceased. Petitioner is languishing in judicial custody since 15.9.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in connection with Muffasil P.S. Case No. 442 of 2021.

(Sunil Kumar Panwar, J)

arish/-

U			
---	--	--	--

