

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41288 of 2024

Arising Out of PS. Case No.-485 Year-2023 Thana- BIRAUL District- Darbhanga

Santosh Sahu @ Santosh Sah SON OF RATAN LAL SAH @ RATAN LAL
SAHU Resident of Village- Uchhati, P.S.- Biraul, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Avinash Singh, Adv.

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 18-09-2024 Heard the parties.

2. The petitioner seeks bail in connection with
Biraul P.S. Case No. 485 of 2023 registered for the
offence under Sections 302, 304B, 34 of the I.P.C.

3. The petitioner is named in the F.I.R. and is
in custody since 05.10.2023.

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 one motorcycle and golden
chain.

5. Learned counsel appearing on behalf of the



petitioner submitted that after the investigation police submitted charge-sheet under Section 306 of the IPC and as such the allegation of dowry demand and also of murder found not true during the course of investigation as raised initially against the petitioner by the informant. While traveling over the argument, learned counsel pointed out para no. 9 of the case diary where the statement of daughter of deceased under Section 161 of the Cr.P.C. is available, which clearly suggest that the daughter of informant committed suicide after consuming the poison which was kept for treatment of lice. It is submitted that autopsy report also could not ascertain the cause of death and during postmortem no internal or external injury were noticed upon deceased, which is only suggesting that deceased was not assaulted physically soon before her death. It is also submitted by learned counsel that nothing appears during the course of investigation which may suggest that act of petitioner was of such nature which forced



the deceased daughter for committing suicide without leaving no other option and therefore the prime legal ingredients to make out a case under Section 306 of the IPC is also not appears convincing. In support of his submission, Id. counsel relied upon the legal report of Hon'ble Supreme Court as available through ***Gurucharan Singh vs. State of Punjab*** reported in ***2016 SCC OnLine SC 1415***. While concluding the argument, it is submitted that 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 opposes the prayer of bail.

7. In view of aforesaid facts and submission as after investigation charge-sheet submitted under Section 306 of the IPC against the petitioner where nothing appears *prima-facie* to suggest that his act compelled to commit suicide without leaving no other option, coupled with fact that investigation of this case is completed



where petitioner is in custody since 05.10.2023, accordingly petitioner above named, is directed to be released on bail in connection with Biraul P.S. Case No. 485 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Benipur at Dharbhanga/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

Sudha/-

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

