

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32325 of 2024

Arising Out of PS. Case No.-236 Year-2023 Thana- KUDHNI District- Muzaffarpur

Avinash Kumar @ Avinash Sahni, Son of Mohit Sahni, Resident of Village-
Charkoriya, Police Station- Kudhani (Turki O.P.), Dist.- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Gaurav Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 12-07-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Kudhani (Turki O.P.) P.S. Case No.236 of 2023 registered
for the offence punishable under Sections 304-B and 120-B
read with 34 of the Indian Penal Code.

3. The accused/petitioner is named in the FIR and
is in custody since 02.01.2024.

4. Allegation against the petitioner is to cause death
of daughter of informant along with other co-accused
persons/family members due to non-fulfilment of demand of
dowry as raised for one bullet motorcycle and cash of Rs.2
lakhs.

5. It is submitted by learned counsel that petitioner



has been falsely implicated with present case for the reason that he is the husband of deceased. It is pointed out that at the time of occurrence, he was at Kolkata in connection with his professional engagement. It is also submitted that as per *postmortem* report, the cause of death was "asphyxia" out of hanging, which suggest that wife of petitioner committed suicide. No sign of any physical assault was found during autopsy upon the deceased daughter of the informant. It is pointed out that nothing surfaced during course of investigation, which may suggest that the act of petitioner was of such a nature, which may forced the daughter of informant to commit suicide leaving no other option. In support of his submission, learned counsel relied upon the legal report of Hon'ble Supreme Court as reported in the matter of **Gurcharan Singh vs. The State of Punjab [(2017) SCC OnLine SC 1415]**. While concluding argument, it is submitted that 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 APP appearing on behalf of the State while opposing the prayer of bail submitted that petitioner is



the husband of the deceased and facing specific allegation as to raise dowry demand. It is also submitted that death of the daughter of informant appears unnatural as per autopsy report.

7. In view of aforesaid factual and legal submissions, as autopsy report of deceased daughter of informant nowhere suggest any visible physical injuries, moreover, it appears that death has been caused due to *antemortem* hanging, where petitioner is in custody since 02.01.2024, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-1st, West Muzaffarpur in connection with Kudhani (Turki O.P.) P.S. Case No.236 of 2023, subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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