

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55402 of 2024

Arising Out of PS. Case No.-662 Year-2023 Thana- MOTIHARI TOWN District- East
Champaran

Sanjiv Kumar son of Sri Bhola Yadav Village- Makdumpur Ps- Lakhisarai
Dist- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Ms. Vaishnavi Singh, Adv.
For the Opposite Party/s :	Mr. Pawan Kumar Chaurasia, APP.
	Mr. Ashok Kumar, Adv.
	Mr. Arvind Kumar Sharma, Adv.
	Mr. Niraj Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 14-11-2024 Heard learned counsel for the petitioner, learned A.P.P. for
the State and learned counsel for the informant.

2. The petitioner apprehends his arrest in a case registered
for the offences punishable under Section 306/34 of the Indian
Penal Code.

3. Allegedly, the petitioner and co-accused Ramnik Kumar
are said to have exploited the daughter of the informant
(deceased) financially and physically on pretext of marriage and
when the deceased made pressure upon the petitioner to
solemnize marry with her, he along with co-accused harassed her
physically and mentally due to which she has committed suicide
by hanging herself.

4. It is submitted by learned counsel for the petitioner that



the petitioner is quite innocent and has committed no offence. No such occurrence as alleged has ever taken place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. The daughter of the informant was posted on the post of Kakshpal in Central Jail, Motihari and she has committed suicide herself due to pressure of work. It is wrong to say that the petitioner had promised her for marriage because both have no connection except friendship. It is further submitted that though it is true that the petitioner had received Rs. 50,000/- from the informant's daughter through UPI, but after some time, he returned an amount of Rs. 30,000/- to her. It is further submitted that during investigation, the CDR of the mobile numbers mentioned in the FIR as well as the mobile number of the deceased were thoroughly investigated and it would be pertinent to mention here that within ten days of the death of the deceased, only a single call had been exchanged between the parties, whereas there were several conversations between the deceased and co-accused Ramnik Kumar. There is nothing on record to show the complicity of the petitioner in the alleged occurrence. It is further submitted that there is inordinate and abnormal delay of more than three months in lodging the FIR without assigning any plausible and convincing



reason for the said delay, which creates serious doubt about the prosecution case. Learned counsel further submits that the petitioner is posted as a Sub-Inspector in the Police Department and he has no concern with the alleged occurrence. He has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State as well as learned counsel for the informant opposes the prayer for bail.

6. Having regard to the facts and circumstances of the case, since the petitioner has already returned Rs. 30,000/- to the informant's daughter and there is inordinate and abnormal delay of more than three months in lodging the FIR, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Motihari Town P.S. Case No. 662 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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