

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63794 of 2024**

Arising Out of PS. Case No.-200 Year-2024 Thana- ROHTAS District- Rohtas

Jagbali Prajapati Son of Late Ramdeo Kumhar Resident of Village - Rasulpur,
Police Station - Rohtas, District - Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Pd. Singh, Adv.
Mr. Rajeev Kumar, Adv.
Mr. Varun Krishna Singh, Adv.
For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-09-2024 Heard the parties.

2. The petitioner seeks bail in connection with
Rohtas P.S. Case No. 200 of 2024 registered for the
offence under Sections 302/34 of the I.P.C. and Section
3/4 of the Dowry Prohibition Act.

3. The petitioner is named in the F.I.R. and is
in custody since 04.06.2024.

4. The allegation against the petitioner is to
cause death of the sister of the informant due to non-
fulfillment of demand of dowry as raised for gold chain.
The present occurrence took place after 7 years of



marriage.

5. Learned counsel for the petitioner submitted that petitioner falsely implicated with present case only for the reason that he is father-in-law of the deceased. It is submitted that the petitioner is living separately with his elder son, namely, Santosh Kumar and having no connection with daily and domestic affair with the deceased and her husband. It is also pointed out that the deceased committed suicide out of family frustrations, and this fact is supported by her autopsy report where the cause of death was mentioned as "asphyxia" due to hanging. It is further submitted that *prima-facie* it appears a case of section 306 of IPC, where nothing surfaced during the course of investigation that the act of petitioner can be said of such nature which forced the deceased sister of informant to commit suicide leaving no option. In support of his submission learned counsel relied upon 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 petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP duly assisted by learned counsel for the Informant Mr. Tribhuvan Narayan, while opposing the prayer of bail submitted that just before the occurrence a *panchayati* was held and a *sanha* i.e., and informatory petition in view of Section 33 of the BNSS (Section 39 of the Cr.P.C.) was lodged. It is submitted that being father, the role of the petitioner was active *qua* present occurrence.

7. In view of aforesaid facts and submission as petitioner is father-in-law where he claims to live separately and the cause of death appears "asphyxia" due to hanging, coupled with fact that investigation of this case is completed, for which charge-sheet has



already submitted, where petitioner is in custody since 04.06.2024, accordingly, petitioner above named, is directed to be released on bail in connection with Rohtas P.S. Case No. 200 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Dehri, Rohtas at Sasaram /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)

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