

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76878 of 2023

Arising Out of PS. Case No.-135 Year-2023 Thana- BIHPUR District- Bhagalpur

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AMIT KUMAR @ KUNDAN KUMAR SON OF SHANKAR SAH
RESIDENT OF VILLAGE- SHAHPUR, POLICE STATION-
BHAWANIPUR (BIHPUR), DISTRICT- BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Syed Masleh Uddin Ashraf, Advocate

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 07-05-2024 Heard learned counsel for the petitioner, learned APP
for the State and perused the case diary.

2. The petitioner seeks bail in connection with Bihpur
(Bhawanipur) P.S. case No. 135 of 2023 instituted for the
offences under Sections 306/34 of the Indian Penal Code.

3. Prosecution case, in short, is that on account of
illegal relationship of the petitioner with the informant's sister,
she became pregnant. It is further alleged that due to the
harassment meted out by the petitioner, the informant's sister
committed suicide by hanging herself in house.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Learned counsel further submitted that petitioner and the



deceased were close relatives, who fell in love and wanted to marry each other but their relationship was not accepted by the parents of the deceased girl and they tortured/harassed her, as a result thereof, she (deceased) committed suicide in her house. Learned counsel further contended that the facts and circumstances of the case indicates that it is a case of honour killing which has been converted into suicide. Learned counsel further referring to *Mohit Singhal & Anr. vs. The State of Uttarakhand & Ors.* passed by Hon'ble Supreme Court contended that the Hon'ble Apex Court has observed that the incident of instigation must be in close proximity to the act of committing suicide, and therefore, Section 306 of the Indian Penal Code is not applicable against the petitioner. Charge-sheet has been submitted in this case. It has been submitted on behalf of the petitioner that the petitioner is in custody since 01.06.2023 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner and submitted that in the post-mortem report, the cause of death is opined to be asphyxia due to hanging. Learned APP further submitted that several witnesses have supported the prosecution version, therefore, learned counsel urged that petitioner may not



be released on bail.

6. Having considered the submissions canvassed by the learned counsel for the parties and material placed on record, this Court is not inclined to grant bail to the petitioner.

7. Prayer is rejected.

8. Learned trial Court is directed to expedite the trial and conclude the same within a period of one year from the date of production/receipt of this order.

9. However, liberty is granted to the petitioner to renew his prayer for bail after a period of one year from the date of receipt/production of this order, if the trial is not concluded within the stipulated period of one year.

(Rudra Prakash Mishra, J)

Alok Verma/-

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