

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80901 of 2023

Arising Out of PS. Case No.-85 Year-2023 Thana- MANSURCHAK District- Begusarai

Gautam Kumar Son of Arvind Mahto R/O Vill - Veerganj @ Beerganj, Ward No. 5, P.S. - Mansoorchak, Dist. - Begusarai

... .. Petitioner/S

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 05-03-2024 1. Heard learned counsel appearing on behalf of the
petitioner and learned Additional Public Prosecutor appearing
on behalf of the State.

2. The accused/petitioner is named in F.I.R. and apprehending his arrest in connection with Mansurchak P.S. Case No. 85/2023 registered for the offences punishable under Sections 302, 120B, 341, 342, 201, 323, 504, 506 and 34 of the Indian Penal Code.

3. The allegation against this petitioner is to commit murder of niece of informant alongwith other co-accused persons/family members.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner was implicated falsely with present case, as the niece (Bhanji) of informant died in natural



course out of her ailments/consumption of poison, during the course of her treatment. It is further submitted that informant is not the eye witness of the occurrence and merely on the basis of suspicion, the present false case was lodged against petitioner. It is also submitted that from the materials collected during the course of investigation, it cannot be said, *prima facie* that the act of petitioner was so direct or active, which may compel the deceased as to commit suicide without leaving any other options. It is a case of suicide out of failed love affairs. In support of his submission, learned counsel relied upon the legal reports of Hon'ble Supreme Court as reported through **2016 SCC onLine SC 1415** the matter of ***Gurcharan Singh vs. State of Punjab***. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, police submitted charge-sheet for offence under Section 306 of IPC against co-accused person.

5. Learned APP appearing for the State opposes the prayer of bail.

6. Considering the aforesaid facts and circumstances as case, *prima facie*, appears as to committing suicide out of failed love affairs, coupled with the fact that petitioner is a man of clean antecedent, accordingly, the above named petitioner, in



the event of his arrest or surrender before learned trial court within a period of four weeks, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Begusarai/concerned Court, where the case is pending in connection with Mansurchak P.S. Case No. 85 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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