

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.591 of 2024

Arising Out of PS. Case No.-189 Year-2023 Thana- JALALPUR District- Saran

1. Baby Devi wife of Rajesh Sah Village- Badkagaon Ps- Jalalpur Dist- Saran
2. Pramila Devi @ Pramila wife of Sudarshan Sah Village- Badkagaon Ps- Jalalpur Dist- Saran
3. Pappu Sah @ Pappu Kumar Sah son of Wakil Sah Village- Badkagaon Ps- Jalalpur Dist- Saran
4. Umesh Sah @ Umesh Kumar son of Sushil Sah Village- Badkagaon Ps- Jalalpur Dist- Saran
5. Sushil Sah @ Soshil Sah son of Late Janki Sah Village- Badkagaon Ps- Jalalpur Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Mishra, Advocate
For the Opposite Party/s : Mr. Navin Kr. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 19-03-2024 **1.** Heard learned counsel appearing on behalf

of the petitioners and learned Additional Public

Prosecutor appearing on behalf of the State.

2. The accused/petitioners are named in the

F.I.R. and apprehending their arrest in connection with

Jalalpur P.S. Case No. 189 of 2023 registered for the

offences punishable under Sections 120 B, 304 B and 34

of the Indian Penal Code.



3. The allegation against the petitioners is to cause death of daughter of informant alongwith other family members/co-accused persons due to non-fulfillment of demand of dowry as raised for Rs. 5,00,000/-. It is further alleged that occurrence took place for the reason that deceased witnessed petitioner no. 1, in compromising position with one neighbour namely Pappu Sah.

4. Learned counsel appearing for petitioners submitted that petitioner no(s). 1, 2, 4 and 5 are in-laws, where as petitioner no. 3 is neighbor and are living separately much prior to the occurrence and having no connection with daily and domestic affairs with deceased and her husband. It is further submitted that even the FIR is not clear whether death caused due to dowry or it is a murder, being a witness of extra-marital affairs of petitioner no. 1. It is also submitted that from the post mortem report no external injuries were noticed on the dead body of deceased, which *prima facie* suggest that



she was not assaulted soon before her death, where cause of death was mentioned as 'asphyxia due to hanging', suggesting death *prima facie* as suicidal. It is further pointed out that role of petitioner *qua* present case is not so direct or active, which may force deceased to commit suicide leaving no other option. In support of his submissions learned counsel relied upon the legal report of Supreme Court in the matter of **Gurcharan Singh Vs. State of Punjab** reported in **(2020) 10 SCC 200**. While concluding the argument it is submitted that petitioner is a man of clean antecedent.

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

6. In view of the facts and circumstances as mentioned above and by taking note of the fact, as petitioners are in-laws and neighbor living separately, where death *prima facie* appears suicide, accordingly all the petitioners above named, in the event of their arrest or surrender before the learned trial court within a



period of four weeks, are 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 Additional Chief Judicial Magistrate-13th, Saran at Chapra/concerned Court where the case is pending in connection with Jalalpur P.S. Case No. 189 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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