

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11026 of 2024

Arising Out of PS. Case No.-130 Year-2023 Thana- MAINATAND District- West Champaran

Brijesh Kumar, son of Prabhu Sah, Resident Of Village - Mainatad, P.S. -
Mainatad, District - West Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr.Deovind Kumar Singh, Advocate
For the State	:	Mr.Binod Kumar, APP
For the Informant	:	Mr.Gaurav Prakash, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 17-05-2024 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State duly assisted by

learned counsel for the informant.

2. Petitioner seek bail in connection with Mainatand

P.S. Case No. 130 of 2023 registered for the offences under

Sections 302/34 of the Indian Penal Code.

3. The petitioner is named in the First Information

Report and is in custody since 27.08.2023.

4. Allegation against the petitioner is to commit

murder of his wife, who is daughter of the informant.

5. It is submitted by learned counsel appearing on

behalf of the petitioner that out of suspicion, petitioner has



been falsely implicated in this case. It is pointed out that during course of investigation, it transpired, as supported by different witnesses, that deceased committed suicide for the reason that being her husband, petitioner extended financial support to his widow Bhabhi (wife of elder brother) and her children and also developed illicit relation with her. It is submitted that deceased being wife of petitioner, out of aforesaid circumstances and suspicion, committed suicide, which is supported by post-mortem report of the deceased also, which shows ligature mark on the neck whereas no physical injury was noticed upon her. It is pointed out that considering all such facts, investigating agency submitted charge-sheet for the offence under Section 306 of the Indian Penal Code.

6. Learned counsel further submitted that facts of this case nowhere suggest that act of petitioner is of such nature which may forced his wife to commit suicide, leaving no other option. Learned counsel, in support of his submission, relied upon the legal report of Hon'ble Supreme Court in the case of **Gurcharan Singh Vs. State of**



Punjab reported in **2016 SCC Online SC 1415**. It is also submitted by learned counsel that petitioner is in custody since 27.08.2023, where investigation of this case is completed for which charge-sheet has already submitted and, as such, there is no chance of tampering with the evidence. It is pointed that there is no act or omission on the part of petitioner which *prima-facie* attract abatement.

7. Learned A.P.P. for the State duly assisted by Mr. Gaurav Prakash, learned counsel for the informant, while opposing the prayer for bail of the petitioner, submitted that petitioner not only developed illicit relation with the wife of his elder brother rather he also solemnized marriage with his own widow Bhabhi and when this fact came into knowledge of the deceased, she committed suicide.

8. In view of the aforesaid facts and circumstances, as after investigation police submitted charge-sheet for the offence under Section 306 of the I.P.C. in the background of allegation of murder coupled with the fact that petitioner is in custody since 27.08.2023, accordingly, above-named petitioner is directed to be



released on bail in connection with Mainatand P.S. Case No. 130 of 2023 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of Ms. Swati Priyadarshi, learned Judicial Magistrate - 1st Class, Bettiah, West Champaran, subject to the condition as laid down under Section 437 (3) Cr.P.C.

(Chandra Shekhar Jha, J.)

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