

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9796 of 2025

Arising Out of PS. Case No.-61 Year-2024 Thana- SANHAULA District- Bhagalpur

Sumit Kumar Son of Sakaldeep Mandal Resident of Village -
Bishwaspur (Maheshpur), P.S. - Sanhaulla, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ambuj Nayan Chaubey, Advocate

Mr.Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr.Choubey Jawahar, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 29-05-2025 Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Sanhaulla P.S. Case No. 61 of 2024 registered for the offence
punishable under Section 304B read with Section 34 of the
Indian Penal Code.

3. The allegations in the F.I.R is that the petitioner
who is the husband of the deceased along with accused persons
had treated the deceased with cruelty on non-fulfillment of
demand of dowry. It is further alleged that parents of the



petitioner were not happy with the marriage. On 29.04.2024 at around 3:00 p.m., an information was sent through telephone call that the deceased had become unconscious and she was taken to the Primary Health Centre, Sanhaulla where the informant reached and found that the deceased was dead due to strangulation.

4. Learned counsel for the petitioner submits that the marriage between the petitioner and the deceased was a love marriage and F.I.R also indicates that the parents of the petitioner were not happy with the marriage. After marriage some dispute arose in between them, owing to which the deceased herself committed suicide which is evident from the postmortem report which clearly states that the deceased had died due to asphyxia and shock due to antemortem hanging as one ligature mark was found around the neck of the deceased. Besides ligature mark there is no injury found on the body of the deceased. The *bona fide* of the petitioner would be evident from the fact that there has been no bid to cause disappearance of the dead body or the evidence rather the informant and his family was duly informed and they had also reached the hospital whereafter the dead body of the deceased was even subjected to postmortem examination. Learned counsel further submits that



mother-in-law of the deceased Haho Devi has already been granted bail by a co-ordinate Bench of this Court vide order dated 20.11.2024 passed in Cr. Mis. No. 68783 of 2024. The petitioner has no criminal antecedent and he is in custody since 29.04.2024. He undertakes to co-operate in the case/trial and charge-sheet has been submitted in the case.

5. Learned APP for the State opposes the prayer for grant of bail on the ground that he does not deserve the privilege of bail at this stage as the petitioner who is the husband of the deceased, is primarily responsible for welfare of his wife.

6. Taking into consideration the rival contentions of the parties and also considering the *bona fide* conduct of the petitioner of informing the informant of the illness of the deceased and of taking her to the hospital for treatment and further considering that charges have already been framed, let the petitioner above named be enlarged on bail in connection with Sanhaulla P.S. Case No. 61 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 the learned Addl. Sessions Judge-XIX, Bhagalpur on the following conditions:-

(I) The petitioner shall remain physically present in



the learned trial Court on each date and shall cooperate in the trial.

(II) In case unnecessary adjournment is taken on behalf of the petitioner or any of the co-accused persons and the learned trial Court is of the opinion that the trial is being delayed due to non-cooperation of the part of the petitioner, the learned trial Court may cancel the bail bonds of the petitioner.

(Soni Shrivastava, J)

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