

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19424 of 2025

Arising Out of PS. Case No.-281 Year-2024 Thana- BOCHAHAN District- Muzaffarpur

Shivam Kumar S/o Umesh Ray Resident of Village- Bhagwanpur Bochaha,
P.S.- Bochaha, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Jagdhar Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 13-08-2025 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Bochaha P.S. Case No. 281 of 2024 dated 17.12.2024 registered under Sections 103(1) / 351 (2) / 351 (3) / 3 (5) of the B.N.S. 2023.

3. As per the first information report the son of the informant was working as a co-driver of the bus of Raj Mount Litera School. He used to leave his house for undertaking his duty at about 4-5 a.m. in the morning. On 16.12.2024 the informant got information that one person is hanging with the tree, who has been identified by the villagers as the son of the informant. Upon such information the informant reached at the place of occurrence and the dead body was brought down. It has further been alleged that the son of the informant used to talk to Savita



Kumari, daughter of Umesh Rai. The father and brother of Savita Kumari namely Umesh Rai and Shivam Kumar used to threaten the informant's son that they would kill him if he comes near their house. It has been alleged that Savita Kumari called his son on the date of occurrence and Umesh Rai and Shivam Kumar committed his murder and hanged him with rope in the orchard of Litchi.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case on the basis of suspicion and previous enmity between the family. Referring to the supplementary affidavit learned counsel submits that it has been stated in paragraph no. 2 that the petitioner is the cousin brother of the deceased -Aman Raj and the informant Jainarayan Rai is own uncle of the petitioner. The accused Savita Kumari is the cousin sister of the deceased. It has further been submitted that the deceased had solemnized marriage with a Muslim girl in the state of Uttar Pradesh District- Khiri and after marriage the in-laws of the deceased started creating pressure upon the deceased to convert his religion. The same was objected by the deceased as a result of which FIR No. 468 / 2022 dated 15.08.2022 under Section 386 I.P.C. was lodged against the deceased and he was sent to jail on 16.08.2022. When the



deceased returned back to his house after release from jail custody the informant as well as his family members ostracized the deceased and accordingly he used to live separately from his own family members and under depression he finally committed suicide. There is dispute regarding ancestral land between informant and the petitioner's side as such petitioner's family has falsely been implicated in this case. It does not stand to reason that the deceased would develop relationship with his own cousin sister. The police investigated the matter and the supervising authority has found the case to be true under section 108 / 3(5) of B.N.S. Act.

5. I have heard learned counsel for the parties and gone through material on record including the case diary. The cause of death of the deceased is asphyxia due to ante mortem hanging. In paragraph no. 32 of the case diary the supervising authority prima facie found the case true under Section 108 / 3(5) of the B.N.S. inasmuch love affair was going on between Savita Kumari and the deceased and there was some dispute on certain point between them as such F.I.R. named accused used to torture the deceased mentally by giving him threatening of dire consequences due to which the deceased committed suicide.



6. Considering the aforesaid discussion, relevant facts available on record and the fact that supervising authority has arrived at prima facie conclusion that deceased has committed suicide, accordingly, I am inclined to grant anticipatory bail to the petitioner.

7. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M. 9th Muzaffarpur East in connection with Bochaha P.S. Case No. 281 of 2024 subject to the condition as laid down under Section 482 (2) of the B.N.S.S. 2023.

(Anil Kumar Sinha, J)

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