

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21911 of 2017

Arising Out of PS. Case No.-34 Year-2014 Thana- LAHERIMUHALLA District- Nalanda

Navin Kumar Sinha @ Navin Kumar, son of Kameshwar Prasad, resident of village Jahana, P.S. Bind, District Nalanda, at present Bishunpur, P.O. B. Polytechnic near Durga Mandir, Krishnanagar Marg, Bishanpur, P.S. and District Dhanbad Jharkhand.

... .. Petitioner

Versus

1. State of Bihar
2. Anjani Ranjan son of Kaushalendra Kumar resident of village Noawan, P.S. Asthawan, District Nalanda at present mohalla Shivpuri as renter in the house of Rana Pratap son of Chaman Mahto, P.S. Laheri, District Nalanda.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Ajay Kumar Thakur Ms. Babita Kumari, Advocate
For the State	:	Mr. Sri Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
CAV JUDGMENT
Date : 17-07-2025

The present application has been preferred by the petitioner invoking the inherent jurisdiction of this Court under section 482 of the Criminal Procedure Code, 1973 (for short, 'Cr.P.C') assailing the order dated 30.03.2017 passed by the learned 7th Additional Sessions Judge, Nalanda at Biharsharif, in Sessions Trial No.533 of 2016, in connection with Laheri P.S. 34 of 2014, whereby the application filed by the petitioner under section 228 for discharge was rejected.

2. In this case, the petitioner has moved an interlocutory application no.01 of 2024 praying for amendment



in the prayer portion of the present petition, by which the entire proceedings of Sessions Trial No. 553/2016, arising out of Laheri P.S. 34 of 2014 has been challenged. A coordinate Bench of this Court vide order dated 06.02.2025 has allowed the aforesaid interlocutory application.

3. The brief facts of the present case are that the informant-Anjani Ranjan gave his written complaint to the Officer-In-charge of Laheri Police Station stating therein that his sister namely, Priyanka Kumari, aged about 22 years, was living as a tenant in the house of one Rana Pratap and was pursuing her studies. On 06.02.2014 at about 02.00 P.M. in the afternoon the elder sister of the informant namely, Nutan Devi, informed him about the death of his sister, on which he along with his father came to the rented house and saw his sister Priyanka Kumari hanging by the neck from the ceiling fan with a dupatta. It is further stated that in November, 2013, the marriage of the deceased sister of the informant was finalized with one Navin Kumar- the petitioner. It is further stated that, after finalization of marriage, the deceased and the petitioner were in contact with each other and also started meeting frequently. The informant alleges that all of a sudden on 30.01.2014 the accused-petitioner, Navin Kumar, refused to marry the deceased and as a result of



which, his sister committed suicide.

4. On the basis of the aforesaid *fardbeyan*, Laheri P.S. Case 34 of 2014 was registered on 06.02.2014 under section 306 of the Indian Penal Code. After investigation, the police submitted the charge-sheet on 31.8.2015 under section 306 of the Indian Penal Code against the petitioner. The Magistrate vide order dated 05.04.2016 took cognizance against the petitioner under section 306 of the Indian Penal Code. Thereafter, the case was committed to the court of Sessions for trial. Subsequently, the petitioner moved an application under section 228 of Cr.P.C. for discharge, which was rejected vide impugned order dated 30.03.2017.

5. The learned counsel for the petitioner submits that even assuming the entire allegation made in the F.I.R to be true, yet no offence under section 306 of the Indian Penal Code is made out against the petitioner. The learned counsel for the petitioner had pointed out that evidently from the reading of the F.I.R itself, it appears that the informant was not present at the place of occurrence and the deceased was residing in a rented house which did not belong to the petitioner.

6. The learned counsel for the petitioner has further submitted that even as per the version of the F.I.R, the



petitioner had allegedly refused to solemnize the marriage in the month of January 2014, i.e., on 30.01.2014, whereas the alleged occurrence of suicide took place on only 06.02.2014 and not immediately after the alleged so-called refusal by the petitioner. Therefore, the learned counsel for the petitioner has argued that even as per the version of the F.I.R there is no proximity between the so-called alleged refusal and the alleged suicide. Further it is argued on behalf of the petitioner that even assuming that the petitioner had refused to solemnize the marriage, that in itself would not amount to an offence under section 306 of the Indian Penal Code since it would not be covered under the definition of abatement of suicide. The learned counsel has further advanced his argument by stating that it is not ordinarily expected that a mere refusal to marry would result in suicide and therefore the offence of abatement is not attracted.

7. It is thereafter submitted by the learned counsel for the petitioner that the informant himself has stated that he has strong belief that due to refusal of marriage, his sister allegedly committed suicide and this itself goes to show that he only raised suspicion. During the course of the investigation, the father, mother and elder sister of the deceased



have allegedly stated *inter alia* that they have admitted that the deceased used to visit the petitioner and when the petitioner refused to perform the marriage, the deceased committed suicide.

8. It has been argued that during investigation it has come that the deceased had certain conversation with her own family members which is preserved in her mobile, which will raise suspicion against her own family members.

9. It has also been argued that from the Police paper which has been supplied to the petitioner, it is evident that there is statement of one Vijay Prasad, who has allegedly stated that on several occasions the marriage of the deceased was discussed but the same never materialized and due to the said reason, earlier also the deceased tried to commit suicide by jumping into a well but was saved and on another occasion, she tried to commit suicide by sprinkling kerosene oil on her but again she was saved. When the marriage with the petitioner was finalized, the family members of the petitioner enquired about the family of the deceased and they came to know that the family members of the deceased were having criminal background and therefore, they refused to solemnize marriage with the deceased.



10. Lastly, it has been argued by learned counsel for the petitioner that if the allegation as leveled against the petitioner is taken to be true even then it does not attract the rigors of section 306 of the Indian Penal Code.

11. In this case, a counter affidavit has been filed by the Superintendent of Police, Nalanda. In the counter affidavit, the Superintendent of Police has supported the prosecution case.

12. A supplementary counter affidavit has also been filed by the S.H.O. of Laheri Police Station. Paragraph nos. 2 to 6 of the aforesaid supplementary counter affidavit read as under:-

“2. That at the very outset it is respectfully stated and submitted that earlier a consolidated counter affidavit has been filed on behalf of the State of Bihar through the Superintendent of Police Nalanda. However the present statement of facts is being submitted for filing supplementary counter affidavit in the light of direction given by this Hon'ble Court vide order dated 27.02.2025 and consequent order dated 18.03.2025, by which the copy of suicide note of deceased was directed to be filed.

3. That in pursuance to the aforesaid direction the S.H.O. Laheri P.S. Nalanda



was directed to ensure production of suicide note of the deceased in connection with Laheri P.S. Case No.34/2014 vide memo No.223, dated 21.03.2025 issued by the Superintendent of Police, Nalanda. But it was informed by the S.H.O. Laheri P.S. Nalanda that even on search the suicide note of deceased could not be traced out. It was further informed that charge sheet bearing No.193/2025, dated 31.08.2015 has been submitted in the Laheri P.S. Case No.34/2014, U/s 306 of the I.P.C. against the petitioner and at present case is pending for trial bearing Session Trial No. 533/2016 in the Court of learned Addl. Sessions Judge, Biharsharif, Nalanda. Thereafter, the Public Prosecutor, Nalanda was requested to make available a copy of suicide note of the deceased vide memo No.235, dated 21.03.2025. In response to that a report vide letter No.113, dated 08.04.2025 has been submitted by the Public Prosecutor, Nalanda mentioning therein that in search of the required suicide note of the deceased, record of Session Trial No. 533/2016 (arising out of Laheri P. S. Case No.34/2014) pending in the court of learned XIIIth Addl. Sessions Judge, Biharsharif, Nalanda was thoroughly perused and found that on 24.01.2020, the suicide note of deceased



was exhibited as exhibit-2 by P.W. 2 during his examination before the learned Trial Court, but at present the said exhibit is not available on record.

4. *That it is humbly stated and submitted that through the required suicide note of deceased could not traced out, but the contents of the suicide note of the deceased has been mentioned by the I.O. of the case in Para-37 of the case diary.*
5. *That the suicide note was executed by the trial court and it was put up with record, but when the public Prosecutor, Bihar Sharif was inquired from the Records that has not been found in record.*
So it may be call for by the trial court, so that the Justice be done by my Lord.
6. *That during investigation, the I.O. of this case, in Paragraph No.37 of the case diary it has been mentioned that due to behaviour of the petitioner I am committing suicide.”*

13. Considered the submissions of the parties.

14. From the facts of the case, there is no dispute that the deceased had committed suicide but whether the deceased had committed suicide on the instigation of the petitioner or not is the question which has to be decided in this case. The contention of the petitioner in the present is his defence for which this Court would need to hold a mini-trial to



ascertain the veracity of his defence, which is impermissible in law at this stage. Further, the allegations made in the F.I.R. requires a trial. In these circumstances, I am of the view that no case for quashing of the prosecution as against the petitioner is made out.

15. It is well settled that at the stage of considering an application for discharge, the concerned Court must proceed on an assumption that the materials which have been brought on record by the prosecution are true and thereafter evaluate the aforesaid material in order to determine whether the facts emerging from the materials taken on its face value discloses the existence of the necessary ingredients of the alleged offence. At the stage of considering an application for discharge, the Court has to consider the fact whether there is a ground for presuming that the offence has been committed and not whether a ground for convicting the accused has been made out. The aforesaid proposition of law has been reiterated by the Hon'ble Supreme Court in the case of *State of Gujarat vs. Dilipsinh Kishoresinh Rao* reported as (2023) 17 SCC 688.

16. In the present case, the materials which have come during investigation are enough for putting the petitioner on trial. In these circumstances, I do not find any error in the



impugned order by which the discharge petition of the petitioner has been rejected by the trial Court.

17. Considering the facts of the case and also the law laid down by the Hon'ble Supreme Court in the case of *State of Gujarat vs. Dilipsinh Kishoresinh Rao (supra)*, I am not inclined to interfere with the impugned order rejecting the discharge petition of the petitioner.

18. At this stage, it is pertinent to note that the respondent - State in its counter affidavit has specifically averred that the suicide note which was exhibited as Exhibit-2 during the trial is not traceable out and is missing, which is a serious matter.

19. If that be so, the District Judge, Nalanda is directed to enquire into the matter himself and if required will register a separate case for disappearance of an important piece of evidence and thereafter send an action taken report to this Court. The aforesaid exercise must be completed within six months from the date of receipt/production of a copy of this order.

20. With the aforesaid observations and directions, this application is dismissed.

21. Let a copy of this order be communicated to



the District Judge, Nalanda forthwith through FAX or e-mail for its compliance.

(Sandeep Kumar, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	17.04.2025
Uploading Date	17.07.2025
Transmission Date	17.07.2025

