

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45334 of 2025

Arising Out of PS. Case No.-368 Year-2024 Thana- GAYA MUFASIL District- Gaya

Sajan Kumar S/o Late Rajendra Chaudhary RO Village - Paroriya, PS-
Mufassil, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Soni Kumari, Advocate
For the Opposite Party/s	:	Mr.Umeshanand Pandit, APP
For the Informant	:	Ms. Suhani Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

6 02-12-2025 Heard learned counsel for the petitioner, informant
and learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 304 (B), 302 and 34 of the Indian Penal Code.

3. The case of the prosecution is that the daughter of the informant Rani Kumari (deceased) was married to the petitioner in the year 2022. It is alleged that the deceased was subjected to cruelty on account of non-fulfillment of dowry. Whenever she went to her paternal home, she was forcefully brought to her matrimonial house by the petitioner and was assaulted. On 28.04.2024, at about 6.30 A.M., the elder brother of the petitioner, namely, Amresh Kumar informed the



informant that the deceased had committed suicide. On receiving this information, the informant went to the matrimonial house of the deceased at about 22.15 P.M. and informed the police. It is further alleged that when the police arrived, the deceased was found hanging from the ceiling fan, the door was open, and the legs of the deceased were on the bed. The informant suspects that the petitioner and his family members killed the deceased and hanged her.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in connection with the present case. It is further submitted that although this case has been lodged under Section 304B of the Indian Penal Code but the facts disclosed do not reveal any specific demand of dowry. According to him, the case is, at best, one under Section 302 of the Indian Penal Code and it is the elder brother of the petitioner, who informed the informant about the occurrence. Had the offence been committed by the petitioner or his family members, there would have been no reason for them to inform the informant regarding the incident. It is further submitted that till date no witnesses has been examined and the petitioner is languishing in judicial custody since 13.06.2024 having no criminal antecedent.



5. From perusal of the diary, it is clear that the inquest report discloses the cause of death as hanging. The Informant has stated in the FIR that the deceased remained hanging till the arrival of the police; however, from materials in the case diary, it is not clear as to who brought down the deceased from the hanging position. In paragraph-8 of the case diary, there is a description of the place of occurrence and in the said description, the investigation Officer has recorded that a stool was laying on the bed. Thus, the allegation of the informant that the legs of the deceased were touching the bed stands contradicted, as the Investigation Officer of this case found that the stool was on the bed. From perusal of the post-mortem report, it is further evident that two ante-mortem injuries were found: first, the nail beds and lips were cyanosed and, second, an oblique, incomplete, upward going ligature mark measuring 9"x1" was present on the upper part of the neck. The cause of death has been opined as Asphyxia and shock due to hanging.

6. Learned APP appearing for the state has opposed the prayer of regular bail.

7. Considering the aforesaid facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on



bail in connection with Sessions Trial No. 921 of 2024 arising out of Mufassil P.S. Case No. 368 of 2024 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned District & Additional Sessions Judge XIth, Gaya.

(Ashok Kumar Pandey, J)

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