

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47019 of 2025

Arising Out of PS. Case No.-314 Year-2025 Thana- LAHERIYASARAI District- Darbhanga

Santosh Kumar @ Santosh Kumar Jha, S/o Late Girijanand Jha, resident of Mohalla-Balbhadrapur, N.P. Mishra Chowk, P.S.-Laheriasarai, Dist-Darbhangha

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

Mr. Saurav Anand, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 29-08-2025 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection with Laheriasarai P.S. Case No.314 of 2025 registered for the offence punishable under Section 103(1) of the Bhartiya Nyaya Sanhita, 2023 (for short 'B.N.S.').

3. The accused/petitioner is named in the FIR and is in custody since 27.05.2025.

4. Allegation against the petitioner is to commit murder of the daughter of informant being husband after 19 years of marriage by pressing her neck on 13.05.2025.

5. It is submitted by learned counsel appearing for



petitioner that as petitioner being husband advanced loan to informant, who is father-in-law and also his sister-in-law, for which the issue was raised by deceased wife, as same was not returned to the petitioner. It is submitted that out of all such financial disputes with her parent and relative, she was in depression and out of that she committed suicide. It is also submitted that as per postmortem report, the cause of death also appears hanging without having any external injury upon the body of the deceased. It is submitted by learned counsel that the daughter of deceased, who is also the daughter of this petitioner while recording her statement under Section 183 of the Bhartiya Nagrik Suraksha Sanhita (for short 'BNSS') categorically stated that out of aforesaid issues, her mother committed suicide after closing the door from inside and hanged herself with ceiling fan. It is submitted that upon alarm, this petitioner opened the door and called the attending doctor, who after examination, declared her mother dead. It is pointed out that after investigation, the police submitted charge-sheet under Section 108 of the BNS against accused-petitioner. Arguing further, it is submitted by learned counsel



appearing for the petitioner that nothing transpired during the course of investigation, which may *prima facie* suggest that the act of petitioner was so active or direct, which forced his deceased wife to commit suicide without leaving no any other option. In support of his submission, learned counsel has relied upon the legal report of Hon'ble Supreme Court as available through **Gurcharan Singh vs. State of Punjab [(2017) 1 SCC 433]**. While concluding argument, it is submitted that investigation of this case is already completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence and moreover the petitioner is a man of clean antecedent.

6. Learned APP opposed the prayer for grant of bail to the petitioner.

7. In view of aforesaid factual submissions and by taking note of fact as the charge-sheet after investigation has been submitted under Section 108 of the BNS, where *prima facie* nothing transpired during investigation, which may suggest that the act of petitioner was so active or direct, which forced his deceased wife to commit suicide without



leaving no any other option, coupled with the fact that investigation of this case is already completed, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Darbhanga in connection with Laheriasarai P.S. Case No.314 of 2025 subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short 'CrPC')/under Section 480(3) of the BNSS.

(Chandra Shekhar Jha, J.)

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