

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75331 of 2024

Arising Out of PS. Case No.-73 Year-2024 Thana- RAXAUL District- East Champaran

Arpan Patel @ Arpan Raut Son of Late surendra Raut (Late Surendra Patel)
Resident of Gamhariya, P.S.- Raxaul, Hardiya, Distt.- East Champaran, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tanuja Kumari Mishra, Adv

For the State : Mr.Yogendra Kumar Singh, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 05-05-2025 Heard learned counsel for the petitioner, learned
counsel for the state.

2. Petitioner apprehends his arrest in connection with
Raxaul Case No. 73 of 2024 registered for the offences
punishable under sections 302/34 of the Indian Penal Code.

3. The prosecution case in the FIR lodged by the
father of the deceased is that his daughter was married 9 years
back with the present petitioner and on 12.03.2024, he got an
information from the neighbour of the petitioner with regard to
death of his daughter. He has also made an allegation of torture
and killing by strangulation.

4. Learned counsel for the petitioner submits that
initially, the case had been lodged under section 302 read with
section 34 of the I.P.C but subsequently, after investigation the



charge sheet was submitted under section 306 of the I.P.C and as a matter of fact, the deceased woman had committed suicide which would be evident from the post mortem report which shows cause of death as asphyxia due to hanging and not strangulation. The material collected during the course of investigation would go to show that actually some dispute happened between the deceased and her mother-in-law which led to a dispute with the present petitioner too, and owing to the same, the deceased committed suicide by locking herself in a room. The statement of the daughter of the deceased has also been recorded during the course of investigation, who also supports the same story. There are other independent witnesses , who have been examined during the course of investigation, in paragraph-37, 38 and 39 of the case diary, who all have stated that the deceased had locked the door from inside and the same was broken open by means of khanti etc. It has also been submitted by the learned counsel appearing for the petitioner that three minor children of the deceased and the petitioner are staying with the petitioner presently and the petitioner has no criminal antecedent.

5. The learned APP for the State oppose the prayer for bail .



6. It needs to be taken into consideration, that the charge sheet has been filed under section 306 of the I.P.C, which is also not made out in the facts of the case as no live and proximate link has been shown and that three minor children, who have already lost the love and affection of their mother are at least receiving the love of their father, who is the present petitioner. Further, taking into consideration that other co-accused persons of this case have already been granted bail vide order dated 09.12.2024 passed in Cr. Misc. No. 60430 of 2024, I am inclined to grant privilege of anticipatory bail to the petitioner. accordingly, in the event of his arrest/ surrender within a period of four weeks from today the petitioner shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand)with two sureties of the like amount each to the satisfaction of the learned Sub- Divisional Judicial Magistrate, Raxaul in Raxaul P.S. Case No. 73 of 2024, subject to condition as laid down under section 438(2) of the Cr.PC and subject to the further condition that the petitioner shall co-operate in investigation/ trial.

(Soni Shrivastava, J)

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