

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.77133 of 2024**

Arising Out of PS. Case No.-442 Year-2024 Thana- MUZAFFARPUR SADAR District-  
Muzaffarpur

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Gajendra Mishra @ Gajendra Kumar Mishra, S/O Late Shivjee Mishra,  
Resident of Village- Rajepur, P.S.- Sahebganj (Rajepur OP), District-  
Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Tunni Devi, W/O - Upendra Thakur, Village - Manpura, Ward No-04, P.S-  
Baruraj, District- Muzaffarpur.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Rakesh Ranjan, Advocate  
For the Opposite Party/s : Dr. Mrityunjaya Kr.Gautam, Advocate

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

3      22-03-2025                      Heard learned Advocate appearing on behalf of the  
  
petitioner and the learned Additional Public Prosecutor for the  
  
State.

2. The petitioner apprehends his arrest in connection  
with Sadar P.S. Case No. 442 of 2024, registered for the  
offences punishable under Sections 108, 238 and 85 of the  
Bharatiya Nagrik Suraksha Sanhita, 2023.

3. Based upon the written report it is alleged that the  
marriage of the daughter of the informant was solemnized with  
the petitioner in the year 2017 and they also blessed with two  
children who have been residing with them. On 08.07.2024  
allegedly the petitioner has assaulted the daughter of the



informant and on account of such reason she committed suicide on 09.07.2024 by hanging herself and the petitioner tried to dispose of the dead body.

4. Learned Advocate appearing on behalf of the petitioner contended that admittedly the marriage was solemnized in the year 2017 and even as per the allegation levelled in the FIR, it is only stated that the deceased committed suicide on account of some scuffle which took place between the husband and wife. There is no material that the petitioner has caused any abetment to commit suicide, moreover, the entire allegation falls to the ground in view of the petition filed by the informant just after ten days of the occurrence, wherein she has nullified the entire allegation and denied that she has made any allegation, rather she has stated that the police has obtained signature on a blank paper, which has later on converted in the FIR.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that the offence in question is not compoundable and there is a specific allegation that on account of the deceased being assaulted by the husband, she committed suicide.

6. Regard being had to the submissions made on



behalf of the parties and considering the nature of allegation and the subsequent petition filed by the informant and coupled with the fact that the children are residing with the petitioner, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur in connection with Sadar P.S. Case No. 442 of 2024, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

supratim/-

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