

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3806 of 2025

Arising Out of PS. Case No.-470 Year-2019 Thana- BIHAR District- Nalanda

Rajiv Kumar @ Rajiv Patel Son of Late Kishori Prasad Singh Resident of
village - Gauragarh, P.S.- Bihar, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh
For the Opposite Party/s : Mr. Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 20-08-2025 Heard the parties.

2. The petitioner seeks bail in connection with Bihar
P.S. Case No. 470 of 2019 registered for the offence under
Sections 328, 304 of the I.P.C.

3. The petitioner is named in the F.I.R. and is in
custody since 05.09.2024.

4. As per FIR, the wife of petitioner out of domestic
quarrel administered poison to her younger daughter and also
consumed the same. The informant is the minor son of the
petitioner aged about 10 years.

5. Learned counsel appearing on behalf of the
petitioner submitted that the face of FIR itself suggesting that
occurrence took place out of domestic quarrel for the reasons



that the suspicion qua extra marital affairs of petitioner gathered by his deceased wife. It is pointed out that out of said suspicion wife of the petitioner consumed poison and administered the same to daughter namely, Ashi Kumari. Poison was also offered to informant/ son but he refused. It is submitted that from the facial perusal of FIR and statement of witnesses as recorded during the occurrence of investigation under Section 161 of BNSS, nothing surfaced *prima-facie* as to suggest that act of petitioner was so active or direct which forced his wife to commit suicide without leaving no other option. In support of his submission learned counsel relied upon the legal report of Hon'ble Supreme Court as available through ***Gurucharan Singh vs. State of Punjab*** reported in ***2016 SCC OnLine SC 1415***.

6. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP while opposing the prayer of bail



submitted that due to quarrel with petitioner /husband present occurrence took place.

8. In view of aforesaid factual submission and by taking note of fact as prima-facie nothing transpired during investigation or even upon perusal of FIR which may suggest that the act of petitioner was so active or direct which forced his wife and daughter to commit suicide, coupled with fact that investigation is already completed where petitioner remains in custody since 05.09.2024, accordingly petitioner above named, is directed to be released on bail in connection with Bihar P.S. Case No. 470 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Nalanda /concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

Sudha/-

U		T	
---	--	---	--

