

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9589 of 2026

Arising Out of PS. Case No.-258 Year-2025 Thana- RIVILGANJ District- Saran

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1. Sarita Kumari @ Sarita Kumar D/o Rameshwar Singh Resident of Village - Dharampura, P.S. - Doriganj, District - Saran, Bihar.
 2. Lakshmina Devi Wife of Rameshwar Singh Resident of Village - Dharampura, P.S. - Doriganj, District - Saran, Bihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhumay Madhup, Advocate

For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 21-05-2026 Heard the learned counsel for the parties through virtual mode.

2. Petitioners apprehend their arrest in connection with Revilganj P.S. Case No.258 of 2025 registered for the offences under Sections 108 and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case as per the informant is that her son, after having dinner, started vomiting and she later realized that he had consumed Sulphas. It is alleged that she, along with her daughter, took her son to the Sadar Hospital, Chapra and where he was referred to Patna for better treatment, however, he died on the way to Patna. It has further been alleged



by the informant that a suicide note was left behind by her son, who has stated that it is on account of his wife and mother-in-law that he has committed suicide. The informant has also alleged that there were frequent quarrels between her son and his wife and their relationship deteriorated and thereafter, her son was in custody on account of an incident which had occurred in Jammu, for which he was sentenced to life imprisonment and thereafter, he had been released on parole and the present incident occurred.

4. Learned counsel for the petitioners submits that petitioners have merely been made an accused in this case on account of the suicide note. It has been submitted that no immediate instigation to do a particular thing has been alleged by the husband of the petitioner no.1 and therefore the petitioners cannot be charged of abatement. It has next been submitted by the learned counsel for the petitioners that there has to be a clear mens rea and mere harassment is not sufficient to hold an accused guilty of the charge of abatement of suicide as in the present case where the deceased in his note has made a sweeping statement that the cause of his suicide is the petitioners. It has further been submitted that there is no proximate incident which had occurred relating to suicide being



committed by the husband of petitioner no.1 and therefore the petitioners cannot be saddled with the charge of abatement of suicide.

5. Learned counsel for the petitioners further draws the attention of this Court towards Annexure-P/2 series, which would go on to show that it was the petitioners who were constantly showing care and concern for the deceased and they were making bona fide efforts to secure his parole and after nearly two decades of incarceration, the deceased was released. It has, thus, been submitted that in the absence of any immediate, intentional or coercive act attributable to the petitioners having a proximate nexus with the alleged suicide, the essential ingredients of the abatement are absent and therefore, the petitioners are liable to be granted the liberty of the anticipatory bail.

6. It is a settled law that to constitute abatement, intention and involvement of cause to add commission of suicide are imperative and if there is an absence of any of these constituents, then the same cannot form the basis for charging an accused for abatement. The judgment of the Hon'ble Apex Court in the *Madan Mohan Singh vs. State Of Gujarat & Anr.* reported in *2010 (8) SCC 628* is one such authority in which the



Hon'ble Supreme Court has held that there must be an allegation that the accused had instigated the deceased to commit the suicide or had in any way added any act or illegal omission to bring about the suicide.

7. Learned APP for the State has vehemently opposed the prayer for anticipatory bail and has stated that there is evidence by way of a suicide note and a video of the deceased prior to committing suicide, which goes on to show that it was the petitioners who were responsible for the said suicide and therefore, they are not liable to be granted anticipatory bail.

8. Considering the facts and circumstances of the case and also the settled law on the subject, i.e., abatement for suicide as observed hereinabove, let the petitioners above named be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor court in connection with Revilganj P.S. Case No.258 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of B.N.S.S. as well as subject to



the following conditions:-

(i) One of the bailors of the petitioners shall be their close relative.

(ii) The petitioners shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the Court concerned.

(iv) If the petitioners are found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of their bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. Accordingly, the prayer for anticipatory bail is allowed.

10. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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