

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56754 of 2025

Arising Out of PS. Case No.-207 Year-2025 Thana- BARH District- Patna

1. Sushila Devi W/O Lakshmi Sah @ Laxmi Saha Village- Judanwanpur, P.S.- Judanwanpur, District- Vaishali
2. Mantu Sao @ Mantu Kumar S/O Lakshmi Sah @ Laxmi Saha Village- Judanwanpur, P.S.- Judanwanpur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 61353 of 2025

Arising Out of PS. Case No.-207 Year-2025 Thana- BARH District- Patna

Neetu Kumari W/O Late Sujit Kumar, D/O Lakshmi Sah @ Laxmi Saha R/O Village- Dayachak, Naya Tola, Ward No. 25, P.S- Barh, District- Patna, At present residing at Village- Judanwanpur, P.S- Judanwanpur, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In Criminal Miscellaneous No. 56754 of 2025)

For the Petitioner/s : Mr. Rajesh Kumar Mishra, Advocate
Mr. Basant Kumar, Advocate
Mr. Aditya Pandey, Advocate

For the State : Mr. Upendra Kumar, APP

(in Criminal Miscellaneous No. 61353 of 2025)

For the Petitioner/s : Mr. Rajesh Kumar Mishra, Advocate
Mr. Basant Kumar, Advocate
Mr. Aditya Pandey, Advocate

For the State : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

8 02-02-2026 Heard learned counsel for the petitioners and learned

APP for the State.

2. The present petition has been filed on behalf of the



petitioners, apprehending their arrest, in connection with Barh P.S. Case No. 207 of 2025 dated 17.03.2025 registered for the offences punishable under Sections 108 and 3(5) of B.N.S., 2023.

3. As per allegation, the son of the informant committed suicide at night at 1:00 AM in his own house on 17.03.2025. The father of the deceased came to know about the suicide when two friends of his son came to his house saying that the deceased has sent one message on mobile that he is committing suicide due to being fed up with harassment caused by his wife, mother-in-law and son-in-law. When the father of the informant along with friends came to the room of the deceased, they found the room locked and when they entered into the room, he was hanging from the fan. The police was called on dial number 112. The police came and door was opened and the son of the informant was taken down from the fan and taken to the hospital where he was declared dead. In the room, one suicide note of the deceased-son was found. As per the suicide note, the income of the deceased was about Rs. 9,000/- to 10,000/- per month and he used to pay his wife as expense money, but she always used to complain that he is not paying any money and her mother and brother, who are



petitioners herein, used to harass him saying that if he does not pay to his wife as she is asking for, they would file one dowry demand case against him and his family members and they will spend their life in jail. By such threat, he was fed up and commits suicide.

4. Learned counsel for the petitioners submits that the Petitioners are innocent and have falsely been implicated in this case. He further submits that the wife of the deceased was living with her parents at her *maike* and no such threat was given to the deceased by the petitioners. He further submits that as per the allegation made in the written report and material on record, no case is made out of abetment of suicide as defined under Section 108 B.N.S. read with Section 45 of B.N.S. He refers to and relies upon the judgment of **Rajesh Vs. State of Haryana** as reported in (2020) 15 SCC 359 and **Madan Mohan Singh Vs. State of Gujarat and Anr.** as reported in (2010) 8 SCC 628.

5. However, learned APP for the State vehemently opposes the prayer of the Petitioners for bail submitting that it is a clear case of abetment of suicide and hence, the petitioners are not entitled to get privilege of anticipatory bail at this stage.

6. I considered the submission advanced by both the



parties and perused the materials on record.

7. Section 108 B.N.S. provides for punishment for abetment of suicide. It reads as follows :

“108. Abetment of suicide.- If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.”

8. Section 45 B.N.S. defines what is abetment of a thing. It reads as follows :

“45. Abetment of a thing. - A person abets the doing of a thing, who: -

- (a) instigates any person to do that thing; or
- (b) engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or
- (c) intentionally aids, by any act or illegal omission, the doing of that thing.”

9. In Rajesh Case (supra), there was suicide note in which the deceased had stated that the false allegation of demand of dowry was made against him and a *panchayat* was also conducted in which there was an attempt to assault him. There was continuous threat from his father-in-law, brother-in-law and sister-in-law that his family members would also be implicated in a criminal case and unable to withstand the harassment, the deceased took the extreme steps of committing suicide. Here, Hon’ble Supreme Court after referring to relevant



case laws held that the appellant could not be held guilty of committing suicide by the deceased, because there was neither provocation, nor encouragement by the appellant to the deceased to commit an act of suicide.

10. In Madan Mohan Singh Case (supra), the deceased had left suicide note in which he had stated that his Senior Officer is responsible for his commission of suicide who has not cooperated as human being in his functioning. Here again, Hon'ble Supreme Court held that intention of the accused to aid or to instigate or to abet the deceased to commit suicide is a must for this particular offence under Section 306 IPC. But there is nothing in the suicide note or FIR which constitutes the ingredients of the offence punishable under Section 306 IPC.

11. As such, it transpires that to attract the offence under Section 108 BNS, there must be one of the following three ingredients : (i) instigating the deceased to commit suicide, (ii) entering into conspiracy with one or more persons for commission of the suicide, if an act or illegal omission takes place in pursuance of that conspiracy or (iii) there is intentional aids by any act or illegal omission in commission of the suicide. But in the allegation as emerging from the FIR and suicide note, there is no fulfillment of any of the aforesaid ingredients of the



offence of abetment of suicide punishable under Section 108 BNS, because neither is there any instigation on the part of the petitioners to commit suicide, nor is there any aiding to the deceased to committing suicide, nor is there any conspiracy for the sake of commission of the suicide of the deceased. Though the extreme steps taken by the deceased is unfortunate, but petitioners can not be *prima facie* held to be guilty of commitment of abetment of suicide.

12. In view of the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioners above-named, to be enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned concerned Court below, in connection with Barh P.S. Case No. 207 of 2025, subject to the conditions as laid down under Section 482 (2) B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents other than the disclosed one, learned court below shall cancel the bail



bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioners.

13. However, the observations made in this order will have no bearing on the further proceeding before the learned Trial Court. This observation is made only for the disposal of the present petition.

(Jitendra Kumar, J)

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