IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80359 of 2026
CNR No. BRHC011175772026
Arising Out of PS. Case No.-43 Year-2026 Thana- PIYAR District- Muzaffarpur

==========

Vikash Kumar Chaudhary Son of Ralghunath Chaudhary Resident of Village-Sakrauli Budhauli @ Bucholi, P.S.- Jandaha, District- Vaishali

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

==========

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Adv
	:	Mr. Mayank Raj, Adv
	:	Mr. Rahul Singh, Adv
	:	Mr. Aadarsh Parasar, Adv
	:	Ms. Richa Kumari, Adv
	:	Ms. Kiran Kumari, Adv
For the Opposite Party/s	:	Mr. Nityanand, APP
For the Informant	:	Mrs. Bela Singh, Adv

==========

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

2 05-11-2026 Heard the parties.

2. The petitioner seeks bail in connection with Piyar P.S. Case No. 43/2026 registered for the offence under Sections 108 and 3(5) of the BNS.

3. The petitioner is named in the F.I.R. and is in custody since 27.08.2026.

4. As per FIR, petitioner solemnized marriage with daughter of informant in year 2006. It is alleged that since 2014 petitioner was in extra-marital affair with one of the daughter-in-law of the informant. It is alleged further that the petitioner, who was working with Indian Army, resided at Ghaziabad with said daughter-in-law of informant and was joined on several occasions

WEB COPY

by the deceased and finally in year 2024 she was dropped at Muzaffarpur Railway Station by petitioner from where she was brought to her parental home by informant. Even thereafter she was tortured over phone and while she was with this petitioner, he gave her wrong medicine due to which her mental condition deteriorated and she was in depression, where finally on 25.02.2026 at about 2:30 PM she committed suicide at the roof of house in parental village by putting herself on fire.

5. Mr. Ramakant Sharma, learned senior counsel appearing on behalf of the petitioner submitted that main allegation against petitioner is of abatement to commit suicide. Admittedly marriage was solemnized in year 2006 and death took place in parental home. It is pointed out that even FIR suggest that before the occurrence the mental condition of the deceased was not in healthy state as she was in depression. It is submitted that even the allegation of extramarital affair was raised since 2014 against petitioner, which also appears remotely connected with the present occurrence, which took place in year 2026. It is also pointed out that the petitioner has two sons aged about 17 years and 14 years from this marriage, who are living presently with this petitioner.

6. Arguing further, Mr. Sharma pointed out that none

WEB COPY

of the legal ingredients can be gathered from present allegation, which may import the allegation of abatement of committing suicide within the meaning of Section 108 of the BNS. In support of his submissions Mr. Sharma, relied upon the legal reports of Hon'ble Supreme Court as available through **Gurcharan Singh Vs. State of Punjab, [2016 SCC 1415]** *&* **Abhinav Mohan Delkar Vs. State of Maharashtra and Others, [(2026) 6 SCC 233].** While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP duly assisted by Mrs. Bela Singh learned counsel for the informant while opposing the prayer of bail submitted that petitioner physically assaulted the deceased whenever she went to join him at Ghaziabad. It is pointed out that she was dropped at Muzzafarpur, near to her parental home by this petitioner. It is submitted that petitioner frequently called deceased and committed mental cruelty upon her. It is submitted that informant made several complaints to C.O. of the Military Cantonment, but no action was taken regarding extra-marital affair of the petitioner, which was since 2014. However, she fairly

WEB COPY

conceded that no criminal case was lodged with Civil Court regarding maintenance or for alleged mental cruelty as raised first time through present FIR either by informant or deceased during her lifetime. It is also submitted that deceased was tortured to the extent that the mother's name of the son of deceased was replaced with Madhubala Kumari with whom this petitioner was in illicit relationship and also stated that petitioner jointly purchased a land with Madhubala Kumari, where she was shown as his wife.

8. Taking note of aforesaid submission Mr. Sharma further submitted that aforesaid relationship was in knowledge of informant and deceased since 2014 and the sons of petitioner are aged about 17 and 14 years old. It is submitted that they joined school at the age of five somewhere in year 2011 and if it was so, then again this allegation is not convincing. It is pointed out that even otherwise this allegation is very remotely connected with present occurrence.

9. In view of aforesaid factual submission and by taking note of fact as FIR suggest on its face that soon before the occurrence the married daughter of informant was suffering from depression, whereas the act alleged on part of petitioner appears very remotely connected with present occurrence, which

WEB COPY

prima-facie failed to suggest that it was so active or direct which forced the deceased to commit suicide without leaving no other option, coupled with fact as occurrence took place in paternal home of deceased, admittedly after 20 years of the marriage and further investigation of this case has already concluded, wherein petitioner, who is working in Army remains in custody since 27.08.2026 being a man of clean antecedent, accordingly petitioner above named, is directed to be released on bail in connection with Piyar P.S. Case No. 43/2026 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-X, Muzaffarpur (East)/concerned court, subject to the conditions as mentioned under Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

S.Tripathi/-

U		T	

WEB COPY