

Ramprasad Pandit vs The State Of Bihar on 22 January, 2025

Author: Chandra Shekhar Jha

Bench: Chandra Shekhar Jha

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79608 of 2024
Arising Out of PS. Case No.-284 Year-2024 Thana- BAHERA District-
=====

Ramprasad Pandit, Son of Late Bouku Pandit @ Bouki Pandit, Resident of
village -Ramouli, Post- Ramouli, P.S.- Bahera, Darbhanga, Bihar- 847201

...

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner	:	Mrs. Nivedita Nirvikar, Senior Advocate Mr. Shashank Shekhar, Advocate Mrs. Asmita Bharti, Advocate
For the State	:	Mr. Rajendra Nath Jha, APP
For the Informant	:	Mr. Nilendu Kumar Choudhary, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 22-01-2025

Heard Mrs. Nivedita Nirvikar, learned senior counsel for the petitioner and Mr. Rajendra Nath Jha, learned Additional Public Prosecutor for the State duly assisted by Mr. Nilendu Kumar Choudhary, learned counsel for the informant.

2. The accused/petitioner seeks bail in connection with Bahera P.S. Case No.284 of 2024 registered for the offence punishable under Sections 103(1), 238, 61(2) of the Bhartiya Nyaya Sanhita, 2023 (for short 'B.N.S.').

3. The accused/petitioner is named in the FIR and is in custody since 27.07.2024.

4. The allegation against the petitioner is to abet the deceased to commit suicide, where deceased was the Patna High Court CR. MISC. No.79608 of 2024(3) dt.22-01-2025 daughter-in-law of petitioner. The abetment to commit suicide was alleged to be committed along with other family members due to non-fulfilment of demand of dowry, where marriage admittedly took place in the year 2009 i.e. about 15 years of the occurrence.

5. Mrs. Nivedita Nirvikar, learned senior counsel appearing for the petitioner submitted that petitioner is father-in-law of the deceased and during investigation, almost all witnesses said through their statement recorded under Section 180 of the Bhartiya Nagarik Suraksha Sanhita (for short 'B.N.S.S.') that the petitioner was living separately to that of deceased and her husband. They also stated that deceased committed suicide. It is submitted by Ms. Nirvikar that nothing surfaced during the course of investigation, which may suggest that act of petitioner was so direct or active, which forced the deceased to commit suicide, without leaving no other option. In support of her submission, learned senior counsel relied upon the legal report of Hon'ble Supreme Court as available through Gurucharan Singh vs. State of Punjab [(2017) 1 SCC 433]. While concluding Patna High Court CR. MISC. No.79608 of 2024(3) dt.22-01-2025 argument, it is submitted that investigation of this case is already completed, for which, charge-sheet has been submitted and, as such, there is no chances of tampering with the evidence.

6. Learned APP duly assisted by learned counsel appearing for the informant while opposing the prayer of bail could not disputed the factual submissions as advanced by Mrs. Nivedita Nirvikar, learned senior counsel appearing for the petitioner but, submitted that petitioner being father-in-law was actively participated in the occurrence.

7. In view of aforesaid factual submissions and by taking note of fact as investigation of this case suggest prima facie that petitioner being father-in-law was living separately with deceased and her husband, where nothing surfaced during investigation to suggest that act of petitioner was so direct or active, which forced the deceased to commit suicide, without leaving no other option in view of the legal ratio as discussed in Gurucharan Singh (supra), accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) Patna High Court CR. MISC. No.79608 of 2024(3) dt.22-01-2025 with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-I, Benipur, Darbhanga in connection with Bahera P.S. Case No.284 of 2024, subject to the conditions as laid down under Section 437(3) of the CrPC/under Section 480(3) of the B.N.S.S. (Chandra Shekhar Jha, J.) Sanjeet/-

U T