

In the Court of Sessions Judge, East Champaran at Motihari.

Present:-

Abhishek K. Das
Sessions Judge,
East Champaran at Motihari

Bail Petition No. 708 of 2026

1. Gulshan Kumar, aged about 23 years, S/o- Bundilal Sahani.

R/o village- Barkurwa, P.S. Kotwa, District- East Champaran.

-----Petitioner.

Versus

The State of Bihar

----- Opposite party.

Counsel for the Petitioner :- Dr. Narendra Deo, Advocate.

Counsel for the State :- Sri Khublal Prasad, Public Prosecutor.

25.03.2026

This bail petition is filed on behalf of the petitioner, namely, Gulshan Kumar, who is in judicial custody since 19.01.2026 in connection with Kotwa P.S. Case No. 24 of 2026 u/ss 107, 238, 339 and 3(5) of Bharatiya Nyaya Sanhita, 2023.

In para-2 of the bail petition, it is mentioned that no other regular or anticipatory bail petition has been filed by the petitioner either in this Court or before Hon'ble Patna High Court. As per para-3 of the bail petition, the petitioner has no criminal antecedent and as per para-4 of the bail petition, the petitioner is in judicial custody since 19.01.2026.

As per F.I.R. brought by the Chowkidar 1/5, Jagarnath Rai, daughter of Mundrika Sahani, namely, Rekha Kumari had been involved in a relationship with Gulshan Kumar (petitioner) for 2 years. During this period, Mundrika Sahani and Jitendra Sahani subjected to cruelty Rekha Kumari. Meanwhile, Gulshan Kumar (petitioner) refused to marry Rekha Kumari, whereupon she, in a fit of rage, committed suicide. Subsequently, Mundrika Sahani threw the dead body in a field in an attempt to destroy the evidence.

The learned counsel for the petitioner has submitted that the petitioner is innocent and he has committed no offence. There is no specific allegation of instigation, intentional aid, provocation, or active participant on the part of the petitioner to attract the ingredients of abatement of suicide. There is no suicide note, no dying declaration, and no independent witness to show that the petitioner instigated or compelled the deceased to take such extreme step. The investigation is based on hearsay information gathered from a crowd and not on any direct ocular account.

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Continued

Learned counsel for the State has opposed the prayer for bail.

Heard both sides and perused the record. As per F.I.R. Mundrika Sahani's daughter committed suicide on refusal of marriage by Gulshan Kumar (petitioner) and Mundrika Sahani threw the dead body in a field in an attempt to destroy the evidence. In para-8 of the case diary, inquest report is mentioned. As per para-26 of the case diary, containing postmortem report, cause of death is asphyxia due to hanging, caused by ligature material. The informant in his restatement vide para-2 has supported the prosecution case. As per para-12, 32, 33 and 34 of the case diary, the witnesses including the independent witnesses have stated that the deceased appeared visibly distressed upon being refused marriage by the petitioner and subsequently committed suicide. As per para-3 of the bail petition and para-35 of the case diary, the petitioner has no criminal antecedent. As per para-36 of the case diary, investigation is under progress.

In the facts of the case and keeping in view the nature of allegation, gravity of offence and materials available in the case diary, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of petitioner, namely, **Gulshan Kumar** stands **rejected**.

(Dictated)

Sd/-

Sessions Judge

East Champaran at Motihari

25.03.2026