

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26450 of 2015

Arising Out of PS.Case No. -205 Year- 2014 Thana -RAJAUN District- BANKA

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1. Rakesh @ Natu Sah @ Rakesh Sah @ Natu, Son of Kamleshwari Sah,
resident of village Rajabar, P.S. Rajoun, District Banka.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : Mr. Sadanand Paswan (Spl.App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

3 09-10-2015 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Rajoun
P.S. Case No. 205 of 2014 registered for the offence punishable
under Sections 304B of the Indian Penal Code and Sections 3(i)
(x) of the SC/ST (Prevention of Atrocities) Act.

Allegedly, Soni Kumari the daughter of the informant
was taken away by the petitioner to Delhi and kept her as his wife
and she gave birth of a child and thereafter, they returned to the
house where the petitioner and other co-accused started
demanding Rs. 50,000/- and motorcycle by way of dowry and
humiliated the informant taking her caste name. In the meantime
second child was born but died at once and Soni Kumari became

ill and weak and she was not treated properly resulting she also died on 31.10.2014.

Submission is of false implication and that the petitioner is in custody since 21.04.2015 without any fault. The petitioner and the deceased have arranged love marriage. Earlier the informant has lodged Complaint Case No. 360 of 2012 under Section 366A IPC wherein cognizance has been taken under Section 365 IPC and Soni Kumari was examined under Section 164 Cr.P.C. in that case wherein she has not supported the allegation of her mother and stated regarding the innocence of the petitioner and his family members. The deceased died natural death, the allegation of demand of dowry and uttering caste name are all false and concocted and further that was not in public place and as such the petitioner deserves sympathetic consideration to which the learned APP opposes but fairly submits that from the statement of Soni Kumari in earlier case, it reveals that she was being treated properly by her in-laws and has not supported the allegation of her mother who is informant of this case also.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and in post mortem examination no external or internal injury was found on the body of the deceased, the petitioner above named is directed to be

released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Rajoun P.S. Case No. 205 of 2014, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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