

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39659 of 2016

Arising Out of PS.Case No. -63 Year- 2013 Thana -GOPALPUR District- BHAGALPUR

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1. DHARAMENDRA SAH @ DHARMENDRA SAH
2. Rabindra Sah @ Ravindra Sah @ Ravin Sah Petitioner/s
Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Tapeswar Sharma

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 29-11-2016

Heard both sides.

The petitioners seek bail in Gopalpur P.S. case No. 63 of 2013 under Section 304B/34 of the Indian Penal Code.

The mother of the deceased alleged that her daughter was married to petitioner No.1, Dharmendra Sah, in the year 2010 but her husband and other family members were always torturing her. On 08.03.2013, Pushpa Singh, Pramukh of Kochadhaman block, informed the informant that her daughter was killed.

The learned counsel for the petitioners submits that there is no evidence to show that petitioners killed the daughter of the informant. The petitioners are brother and husband of the deceased. They never demanded any dowry nor tortured the deceased. The post mortem report does not show any external injury and viscera was kept preserved.

Considering the fact that petitioner No.1,

Dharamendra Sah @ Dharmendra Sah is the husband of deceased, there is allegation against him that he was torturing his wife to different sorts of torture, post mortem report shows many abrasions on different parts of the body of deceased and viscera was kept preserved for forensic examination, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

So far as case of petitioner No.2 is concerned, he is brother-in-law of the deceased, no specific allegation is made against him and similarly situated accused person have already been granted bail.

Considering the facts aforesaid and the nature of allegation made against the petitioner No.2, the petitioner No.2, namely, Rabindra Sah @ Ravindra Sah @ Ravin Sah is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge-Naugachia, Bhagalpur, in S.T. No. 19 of 2016, arising out of Gopalpur P.S. Case No. 63 of 2013.

(Prabhat Kumar Jha, J)

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