

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.2434 of 2017**

Arising Out of PS.Case No. -3 Year- 2016 Thana -KHODABANDPUR District- BEGUSARAI

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Diwakar Sah, Son of Fulena Sah @ Fulen Sah, Resident of Village-Shekha  
Tola, Ekamba, P.S.-Khodawandpur, District-Begusarai.

..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

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**Appearance :**  
For the Petitioner/s : Mr.  
For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR**  
**MISHRA**  
ORAL ORDER

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5      07-04-2017      Heard learned counsel for the petitioner and the learned  
A.P.P. for the State.

The petitioner seeks bail in connection with  
Khodawandpur P.S. Case No.03 of 2016 registered under Sections  
304(B)/34 of the Indian Penal Code.

The accusation is of abusing the deceased, the niece of the  
informant, by her mother-in-law, causing assault to her and also killing  
her to set on fire by sprinkling kerosene oil on her body.

Learned counsel appearing on behalf of the petitioner  
submits that, admittedly, the petitioner is the husband of the deceased,  
the niece of the informant, and is in custody since 23.09.2016. Further  
submission is that it would appear from the F.I.R. that there is no  
allegation of torturing the deceased, the niece of the informant, by her



husband and in-laws for demand of dowry. The informant, who is Mause of the deceased, and the parents of the deceased, whose statements are detailed in paragraphs-7, 8 and 10 of the case diary, have clearly stated that the petitioner and his brothers were not present at the house on the date of the occurrence rather they had gone to Delhi to earn their livelihood. The witnesses, in paragraphs-11 to 16 of the case diary, have stated that due to quarrel in between the deceased, the niece of the informant, and her mother-in-law, the deceased, the niece of the informant, committed suicide by setting herself on fire, sprinkling kerosene oil on her body.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, Manjhaul in the District of Begusarai in connection with Khodawandpur P.S. Case No.03 of 2016.

**(Rajendra Kumar Mishra, J)**

**P.S./-**

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