

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20276 of 2017

Arising Out of PS.Case No. -43 Year- 2016 Thana -KACHHAWA District- SASARAM (ROHTAS)

=====

Santosh Kumar @ Santosh Sah Son of Late Ramchandra Sah, Resident of
Village- Khiriyān, Police Station- Kachhwa, District- Rohtas (Sasaram).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Mishra, Advocate

For the Opposite Party/s : Mrs. Anita Kumari, APP

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 23-06-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
04.02.2017 in connection with Kachhwa P.S. Case No. 43 of
2016, G.R. Case No. 1409 of 2016 registered for the offence
punishable under Sections 341, 323 and 304(B)/34 of the Indian
Penal Code.

The prosecution case is that the petitioner, who is
Devar of the deceased, Pratima Devi, along with her husband and
in-laws has killed the deceased on account of non-fulfilment of
demand of dowry.

It has been submitted by the learned counsel for the
petitioner that he is innocent and has been falsely implicated only



on the basis of the fact that he went to the house of the deceased for her gauna. It has further been submitted that the matter was investigated by the DIG and it was found that the petitioner has been separated from other brothers since last ten years and in the supplementary affidavit panchnama showing mutual partition has been annexed. He further submits that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned counsel for the informant vehemently opposes the prayer for bail stating therein that cause of death is by hanging, but the height of the roof of the matrimonial house, which is the place of occurrence, is six feet and petitioner and other accused have strangled and killed the deceased on account of non-fulfilment of demand of dowry. Learned A.P.P. for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned S.J. 1st cum A.C.J.M., Bikramganj (Rohtas) in connection with Kachhwa P.S. Case No. 43 of 2016, G.R. Case No. 1409 of 2016, subject to the condition that petitioner will



cooperate with the trial and appear before the learned Court below
as and when required, failing which the learned Court below shall
proceed to cancel his bail bonds.

(Nilu Agrawal, J.)

Arjun/-

U		T	
---	--	---	--

