

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29760 of 2017

Arising Out of PS.Case No. -5 Year- 2017 Thana -JALALGARH District- PURNIA

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1. Rakesh Sah, son of Brahmdev Sah, R/o Village- Sonapur, P.S.- Jalalgarh,
District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Bidhu Ranjan

For the Opposite Party/s : Mr. Ashok Kumar Singh 1

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 22-09-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
23.01.2017 in connection with Jalalgarh P.S. Case No. 05/2017 for
offences punishable under Sections 304-B, 201/34 of the Indian
Penal Code.

The prosecution case, as lodged by the informant, is
that his daughter Nutan Devi was married to the petitioner in the
year 2009 and had three children out of the wedlock. The
petitioner along with in-laws always used to torture his daughter
for non-fulfillment of demand of dowry. On 19.01.2017 he got
information by the father-in-law of the deceased that his daughter
is traceless. On coming to the village on search dead body of his



daughter was found on the bank of Panar river. It is alleged that the petitioner along with in-laws of the deceased have killed his daughter for non-fulfillment of demand of dowry.

It has been submitted by the learned counsel for the petitioner that he is innocent, informant and his relatives had attended the Sradh Ceremony on the alleged date of occurrence, hence, the allegation against the petitioner, who is the husband, is false. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the independent witnesses have supported the prosecution case stating that there was always a fight between the deceased and the petitioner, the petitioner had not accompanied his family members in the Sradh Ceremony and the deceased and petitioner were alone in the house. He submits that post mortem report also does not speak of drowning but Asphyxia due to throttling and the neck wound has also been found to be a fracture.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the



petitioner at this stage in connection with Jalalgarh P.S. Case No. 05/2017, pending in the court of learned S.D.J.M., Purnea.

Application is accordingly, rejected. However, petitioner may renew his prayer or bail after framing of charge.

(Nilu Agrawal, J)

Rajesh/-

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