

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36627 of 2017

Arising Out of PS.Case No. -66 Year- 2016 Thana -DANDKHORA District- KATIHAR

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1. Pramod Kumar Sah @ Pramod Sah Son of Late Sattan Sah, R/o Village-
Pathara, P.S.- Dandkhora, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Musowir

For the Opposite Party/s : Mr. Sri Zainul Abedin

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 16-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Dandkhora
P.S. Case No. 66 of 2016 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 sister Khusboo Kumari was married to the petitioner four
years back and her in-laws including the petitioner always used to
torture her. It is alleged that three days before lodging of the First
Information Report the brother of the petitioner had informed that
his sister is traceless from the matrimonial home. Thereafter her
half burnt body was found near the river bank. It is alleged that the
petitioner along with other family members have killed his sister



for non-fulfillment of demand of dowry.

It has been submitted by the learned counsel for the petitioner that he is innocent and being the husband has been falsely implicated in the aforesaid case. He submits that although the informant's sister was traceless for three days but First Information Report has been lodged on 30.11.2016 and the delay of three days has not been explained. He further submits that the independent witness has not alleged demand of dowry, hence, Section 304-B of the IPC is not applicable. It is further submitted that charge-sheet has already been submitted, there is no allegation of tampering of the prosecution witnesses by the petitioner and post mortem report suggests that there was vaginal swelling and blood present, which indicated that she had gone out of the house, ravished brutally and then killed. It has further been submitted that charge has been framed on 07.07.2017 by the learned Additional District Judge, III, Katihar and the petitioner is languishing in judicial custody since 04.12.2016.

However, learned APP for the State opposes the prayer for bail stating therein that at paragraph 16 of the case diary independent witness has stated that the petitioner used to come home after drinking and beat his wife..

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/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Katihar, in connection with Dandkhora P.S. Case No. 66 of 2016 subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station/court and that petitioner will appear before the learned court below during trial on each and every date and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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