

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37811 of 2017

Arising Out of PS.Case No. -34 Year- 2016 Thana -AADAPUR District-
EASTCHAMPARAN(MOTIHARI)

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Lalbabu Sah Son of Yogendra Sah, Resident of Village-Nayak Tola, Police
Station-Adapur (O.P. Harpur), District-East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Madan Sah son of Rama Nand Sah R/o-Chainpur, P.S. Adapur, District-
East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Adv.
Mr. Anuj Kumar, Adv.
For the Informant : Mr. Dhananjay Kumar, Adv.
For the Opposite Party/s : Mr. Dr. Indihar Kumari, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

7 16-11-2017 Heard learned counsel for the petitioner, learned APP

for the State and learned counsel appearing for opposite party no.
2, informant.

Petitioner is languishing in judicial custody since
17.03.2017 in connection with Adapur (O.P. Harpur) P.S. Case
No. 34 of 2016 for offences punishable under Sections 304B,
201/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that his daughter Seema Kumari was married to the petitioner in
the year 2009 and had two children one boy and one girl out of the



marriage. Since last 1 ½ to 2 years, petitioner was demanding money for business and a motorcycle from the parental house of his wife but eventually an old motorcycle was given. Thereafter the informant received information that his daughter has been killed by the in-laws including the petitioner and the dead body has been disposed of.

It has been submitted by the learned counsel for the petitioner that he is innocent, no such occurrence had taken place and no case under Section 304B I.P.C. is made out as the marriage was solemnized in the year 2005 and the F.I.R. has been lodged much after seven years. He submits that even otherwise after so many years of marriage the demand for business purposes will not be a dowry demand but only a financial arrangement. He further submits that the deceased died due to diarrhoea as she had eaten rice and rotten fish and treated locally but died.

However, learned counsel for the informant vehemently opposes the prayer for bail stating therein that the petitioner was staying separate from his in-laws and has killed the informant's daughter within seven years of marriage and even disposed of the dead body without their knowledge.

Learned APP for the State also opposes the prayer for



bail.

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 Adapur (O.P. Harpur) P.S. Case No. 34 of 2016, pending in the court of learned S.D.J.M., Motihari.

The application is, accordingly, rejected.

However, the learned court below is directed to expedite the trial.

(Nilu Agrawal, J)

Devendra/-

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