

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14507 of 2018

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

Rakesh Sah, Son of Brahmdeo Sah, R/o Village- Sonapur, P.S.- Jalalgarh,
District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Md. Sufiyan, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 02-05-2018 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

Petitioner had earlier moved this Court for bail which was rejected vide order dated 22.09.2017 passed in Cr. Misc. No. 29760 of 2017. Petitioner is languishing in judicial custody since 23.01.2017 in connection with Sessions Trial No. 385 of 2017 arising out of Jalalgarh P.S. Case No. 05 of 2017 registered for the offence 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 in the year 2009 with the petitioner and had three children out of the said wedlock. On 19.01.2017, he got information that his daughter is missing and while coming to matrimonial house of his daughter, on search,



he found her dead body near the bank of the river. It is alleged that his deceased daughter was tortured for non-fulfilment of demand of dowry and ultimately killed.

It has been submitted by the learned counsel for the petitioner that he is innocent and just because he is husband, he has been made accused in the present case. He submits that the marriage was solemnized in the year 2009, hence, section 304 (B) of the Indian Penal Code will not be applicable, as the date of lodging of the First Information Report is 19.01.2017. He submits that there is no eye witness to the alleged occurrence, the family members participated in the Shradh ceremony and as an afterthought, the present case has been lodged against him and his family members. He further submits that charges have been framed and he undertakes to cooperate in the trial on day-to-day basis and not to tamper with the prosecution witnesses. He further submits that although nearly one and half years have passed since his custody, but trial has not yet begun and not even a single witness has been examined.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that the medical report speaks otherwise and even the witnesses have alleged complicity of the petitioner.



Considering the facts and circumstances and the materials on record, let the petitioner, named above, 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 Additional Sessions Judge 5th, Purnea in connection with Sessions Trial No. 385 of 2017 arising out of Jalalgarh P.S. Case No. 05 of 2017, subject to the conditions that:

(1) Both the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating their relationship with the petitioner.

(2) The petitioner will appear before the learned Court below 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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