

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29453 of 2018

Arising Out of PS.Case No. -220 Year- 2017 Thana -KANTI THARMAL POWER District -
MUZAFFARPUR

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Raja Sah, son of Sri Mohan Sah, resident of village- Sadatpur, P.S.- Kanti
Distt.- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar No-1

For the Opposite Party/s : Smt Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 29-06-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in connection with Kanti P.S.
Case No. 220 of 2017 registered for the offence punishable under
section 304-B/ 34 of the Indian Penal Code.

The informant of this case is mother of deceased. She
has alleged that her daughter was married with the petitioner on
07.05.2017 and after marriage, the petitioner and his family
members used to demand Rs.2,00,000/- (two lacs) as further
dowry. The said demand was not fulfilled and so her daughter has
been killed.

It has been submitted that the petitioner is husband of
deceased. The allegation of demand is omnibus. The victim herself
committed suicide in absence of the petitioner. On the date of



occurrence, the petitioner was outside house for selling mangoes and so no offence under section 304-B/34 of the Indian Penal Code is made out. The co-accused has been allowed anticipatory bail by one of coordinate Bench of this Court in Cr. Misc. No. 58276 of 2017. The petitioner is in custody since 16.02.2018 having clean antecedent.

The learned Additional Public Prosecutor on the other hand opposed the submission.

On perusal of written report and case diary I find that marriage of this petitioner took place on 07.05.2017 and his wife died within 1½ month in his house. The doctor in the post mortem report has found a ligature mark on her neck and cause of death is reported to be due to asphyxia. The witnesses have supported the allegation of torture and demand.

Considering the nature of allegation, facts and circumstances of the case, I am not inclined to grant bail to the petitioner. The prayer made on his behalf stands rejected.

(Sanjay Kumar, J)

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