

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39676 of 2018

Arising Out of PS. Case No.-112 Year-2017 Thana- VIJAYEPUR District- Gopalganj

Shatrudhan Sah, Son of Hareram Sah, Resident of Village- Bheria, P.S.-
Vijaypur, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey No-5, Adv.

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

3 07-09-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
25.11.2017 in connection with Sessions Trial No. 49/2018
arising out of Bijaipur @ Vijaypur P.S. Case No. 112/2017 for
offences punishable under Sections 304 B and 201 of the Indian
Penal Code.

The prosecution case, as lodged by the informant, is
that his daughter Ruchi Sah was married to the petitioner seven
years back and on 26.06.2017 he was informed that his daughter
has been killed and her body cremated.

It has been submitted by the learned counsel for the
petitioner that he is innocent and has been falsely implicated in
the aforesaid case. He submits that marriage is more than seven
years old, hence, Section 304-B of the IPC will not be
applicable and there is contradiction in the statement of the



independent witnesses as the second sister of the informant was also married in the same village and the husband of the second sister of the informant was on inimical terms with the petitioner. He further submits that the deceased was sick and treated by the doctor as evident by the medical prescription of three days back of the alleged occurrence and that the family of the deceased took part in the cremation ceremony but the present case has been lodged as an afterthought. The petitioner undertakes to co-operate in the trial on day-to-day basis.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let 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 Addl. District and Sessions Judge-VIII, Gopalganj in connection with Sessions Trial No. 49/2018 arising out of Bijaipur @ Vijaypur P.S. Case No. 112/2017, G.R. No. 2274/2017, subject to the following conditions :

- (i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the



petitioner.

- (ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/Pragya

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