

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51888 of 2018

Arising Out of PS. Case No.-197 Year-2018 Thana- KHAGARIA District- Khagaria

Dho Dho Sah, Son of Bahadur Sah, resident of Village Bhadas South, Police
Station- Mufassil, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jai Kishor Poddar

For the Opposite Party/s :

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 20-09-2018 Heard learned counsel for the petitioner. No one
appears for the State.

The petitioner in the present case is seeking regular
bail in connection with Khagaria (Mufassil) P. S. Case No. 197
of 2018 registered for the offences punishable under Sections
302, 120B/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
present Police case has arisen by virtue of an order passed by
learned Chief Judicial Magistrate under Section 156(3) of the
Code of Criminal Procedure on a complaint petition of the
informant. The complaint petition was presented after 47 days
from the date of alleged occurrence. According to the
allegations, the informant had got married his daughter with co-
accused Hira Sah about 20 years ago according to the Hindu



rites and customs. It is alleged that said Hira Sah is a man of bad character and he had illicit relationship with the wife of the present petitioner which was being opposed by his daughter on which the accused person used to assault her. It is alleged that on 8.07.2017 the accused persons committed the murder of her daughter and disposed of her dead body.

Learned counsel submits that so far as this petitioner is concerned, there is no direct or indirect evidence even *prima-facie* to say that this petitioner has got any connection with the present occurrence. Learned counsel submits that the witnesses examined in course of inquiry under Section 202 Cr.P.C. have stated that the deceased died of illness and therefore, the present case has been filed at a belated stage only with an intention to harass each and every member of the family. It is stated that the petitioner is separate from the family of the deceased and her husband Hira Sah in mess and residence.

In the given facts and circumstances of the case wherein the complaint has been lodged after about 47 days and the petitioner claims to be living separately from the family of the deceased for more than 10 years and one of the co-accused has been granted privilege of regular bail by a learned co-ordinate Bench of this Court in Criminal Misc. No. 43947 of



2018, let the petitioner Dho Dho Sah be released on bail on furnishing bail bonds of Rs. 15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Khagaria (Mufassil) P.S. Case No. 197 of 2018, subject to the conditions laid down under Section 437 (3) Cr.P.C.

(Rajeev Ranjan Prasad, J)

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