

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16367 of 2018

Arising Out of PS.Case No. -47 Year- 2016 Thana -RAJPUR District-
EASTCHAMPARAN(MOTIHARI)

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Chandan Sah, Son of Late Yogendra Sah, Resident of Village- Madhuaha
Brit, P.S.- Rajepur, District- West Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Sri Ajay Kumar -2

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 18-04-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner had earlier moved for bail which was
rejected vide order dated 23.11.2017 passed in Cr. Misc. No.
45605 of 2017.

Petitioner is languishing in judicial custody since
06.02.2017 in connection with Sessions Trial No. 82 of 2018
arising out of Rajepur P.S. Case No. 47 of 2016 for offences
punishable under Sections 304B/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that her daughter Poonam Kumari was married to the petitioner in
the year 2012, had a son out of the wedlock and due to non-
fulfillment of demand of dowry, she has been killed by the



petitioner and in-laws.

It has been submitted by the learned counsel for the petitioner that he is innocent and just because he is the husband, he has been falsely implicated. The inquest report suggests that the petitioner's deceased wife died because of hanging and the postmortem report also suggests death due to asphyxia. He submits that he had gone to show his child to the Doctor, who was sick and in the meanwhile, his wife committed suicide by hanging and the petitioner has been falsely implicated. He undertakes to cooperate in the trial on day to day basis, if he is enlarged on bail.

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

In this connection a report has been called for from the Court of the learned Additional Sessions Judge-13, East Champaran, Motihari who has stated that not a single witness has yet been examined.

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 13th Additional District and Sessions Judge, Motihari, East Champaran in connection with Sessions Trial No. 82 of 2018 arising out of



Rajepur P.S. Case No. 47 of 2016, subject to the conditions that:

- (1) 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.
- (2) 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)

Devendra/-

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