

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33470 of 2018

Arising Out of PS.Case No. -113 Year- 2018 Thana -BRAHMPUR District- BUXAR

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1. Surendra Sah,
2. Birendra Sah

Both are Sons of Sri Deenanath Sah, R/o Vill.- Jawahi Jagdishpur, P.S.-
Brahmpur, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar

For the Opposite Party/s : Mr. Nityanand

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 11-07-2018 Learned counsel for the petitioners has filed a

supplementary affidavit for correction of mistake regarding the

date of custody.

Let the date recorded in paragraph No. 12 and 14 be
read as “17.03.2018” and “21.04.2018” instead of “17.03.2017”
and “21.04.2017”.

Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are in custody since 21.04.2018 in
connection with Brahmpur P.S. Case No. 113/2018 registered for
the offences punishable under Sections 304(B), 201/34 of the
Indian Penal Code.



Learned counsel for the petitioners submits that there is no specific allegation against the present petitioners who are the Dewars of the lady who had disappeared and for which a Sanha had been filed. Learned counsel for the petitioners submits that they are not named in the First Information Report and it has come on record that these two petitioners were not living with the victim lady. It is further submitted that only because there was a demand for dowry, the entire family has been roped in, in connection with the present case.

Having heard learned counsel for the petitioner and learned counsel for the State as well as learned counsel appearing on behalf of the informant, it appears that the lady in question has not yet been traced and, therefore, it has been presumed that she has been killed. It is under such circumstances that the petitioners are facing prosecution under Section 304(B) of the I.P.C. which could not be tenable under law. Earlier also, there was a *Sanha* regarding her being missing which had been lodged by the father-in-law of the lady in question. The petitioners are not having any criminal antecedent.

As such, let the two petitioners (Surendra Sah and Birendra Sah), be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount



each to the satisfaction of the learned Chief Judicial Magistrate,
Buxar, in connection with Brahmpur P.S. Case No. 113/2018.

(Anjana Mishra, J)

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