

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19854 of 2018

Arising Out of PS.Case No. -67 Year- 2017 Thana -KHANPUR District- SAMASTIPUR

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1. Rajeev Kumar Sah Son of Shambhu Sah, Resident of Village-Dekari,
Police Station-Khanpur, District-Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Choudhary Shyam Nandan

For the Opposite Party/s : Mr. Satyendra Prasad

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 03-05-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner has been in custody since 30.08.2017
in connection with Khanpur P.S. Case No. 67/17 registered for the
offences punishable under Sections 304(B)/34 of the Indian Penal
Code.

Learned counsel for the petitioner submits that all
through the First Information Report or in the investigation, it has
come on record that neither the petitioner nor any family members
had made any demand for dowry and, therefore, this case may be
treated to be one of the unnatural death and the provisions of
Section 304(B) of the Indian Penal Code would not be attracted in
the instant case. It is further submitted that what appears from the



materials available in the case diary and the post-mortem report, it is clearly a case of hanging and the possibility of suicide by the girl cannot be ruled out. It is further submitted that this petitioner was having a low income and the deceased was dissatisfied with her life in marriage and had been complaining against the situation in which she had been existing after her marriage in her matrimonial home. He, thus, submits that the petitioner has no role to play in the alleged occurrence and may be extended the privilege of bail.

Diary in the present case was called for which has since been received.

Learned counsel appearing on behalf of the State after perusal of the case diary and on reference to certain paragraphs of the same has submitted that, it appears that the deceased had earlier also attempted to commit suicide by sprinkling kerosene oil on herself. It appears that such statement made by the independent witness and who is the neighbour of the deceased appears to have some credence but can well be tested during the course of the trial.

Having considered the entire facts and circumstances of the case and there being no demand for dowry has come during the complete investigation and there being a distinct cloud on the prosecution story, let the petitioner above named, be released on



bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Magistrate, Samastipur, in connection with Khanpur P.S. Case No. 67/2017.

(Anjana Mishra, J)

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