

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14979 of 2019

Arising Out of PS. Case No.-92 Year-2017 Thana- DUMRA District- Sitamarhi

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Pawan Sah @ Pawan Kumar Son of Daya Sah Resident of Village -
Muradpur, P.S.- Dumara, Distt - Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ram Kalewar Sah Son of late Pradeep Sah Resident of Village and PO -
Chandauna, P.S.- Jale, Distt - Darbhanga.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar Mishra
For the Opposite Party/s : Mr.Rajendra Prasad Nat

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 25-06-2019 In pursuance to the order dated 15-05-2019 passed by a coordinate bench of this court, the accused-petitioner was produced in court under the judicial custody. From physical appearance of the petitioner, it appears that the petitioner is handicapped from his right leg. The petitioner is discharged from his personal production. The authorities are directed to take him back to the concerned jail.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in a case registered under Sections 304B, 201/34 of the Indian Penal Code.

Allegation against the petitioner is of committing torture and caused death of the victim due to non-fulfillment of demand of dowry.



It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is in custody since 31-12-2018. Charge sheet has already been submitted. The petitioner has been made accused in the present case due to mistake of fact. From perusal of the statement of witnesses made in paragraphs 6, 10, 11, 46, 73, 74, 90 and 92 of the case diary, it is evident that the wife of this petitioner had left the house on her own. She has not been done to death by the petitioner or his family members. Hence, no offence u/S 304B of the Indian Penal Code is made out against the petitioner.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, 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 Chief Judicial Magistrate, Sitamarhi in connection with Dumra P.S. Case No. 92 of 2017.

(Sudhir Singh, J)

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