

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17448 of 2019**

Arising Out of PS. Case No.-2 Year-2017 Thana- TARIYANI CHOWK
District- Sheohar *

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SITARAM SAH aged about 25 years, male, Son of Bhikhar Sah Resident of
Village - Brindawan Motnaje, P.S.- Tariyani, District- Sheohar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Hans Lal Kumar, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 26-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 304B)/34 of the Indian Penal Code
registered in connection with Tariyani P.S. Case No. 02 of 2017.

3. It is submitted that the petitioner has been falsely
implicated merely because he happens to be the *Devar* of the
deceased. It is submitted that even according to the F.I.R. itself
marriage of the deceased had been performed about 10 years
prior to the alleged occurrence. It is therefore submitted that the
ingredients of the offence under Section 304(B) IPC are not made
out. It is submitted that the petitioner had been living separately
from his brother, co-accused Raj Kumar Sah, husband of the
deceased. The petitioner claims clean antecedents.

4. Be that as it may, in the event of the petitioner's
arrest or surrender before the court below within six weeks from
the date of communication of this order, let the above named
petitioner be released on bail on furnishing bail bond of



Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sheohar in connection with Tariyani P.S. Case No. 02 of 2017, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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