

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 44891 of 2019**

Arising Out of PS. Case No.-383 Year-2017 Thana- SUGAULI District- East Champaran

Krishna Sah aged about 27 years Male, Son of Arjun Sah, Resident of Village-Badhaiya tola Sugawli, P.S.-Sugauli, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajeev Ranjan, Advocate
For the State	:	Mr. Md. Arif, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 04-12-2019

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

2. The petitioner seeks bail in connection with Sugauli PS Case No. 383 of 2017 dated 12.11.2017 instituted under Sections 304B/34 of the Indian Penal Code.

3. The petitioner, along with his father and mother is alleged to have killed his wife, who is the daughter of the informant, by burning, due to non fulfillment of demand of motorcycle.

4. Learned counsel for the petitioner submitted that he is a handicapped person suffering from polio on the right side and, thus, there was no occasion for demand of motorcycle as he was



not in a position to drive such vehicle. It was further submitted that the witnesses have stated that the death was accidental due to burning while cooking and there was no foul play. It was further submitted that even the elder brother of the petitioner lives outside and works as labourer and, thus, the allegation of demand of motorcycle as dowry has no basis. Learned counsel submitted that it has also come that due to the petitioner being handicapped, the deceased was not satisfied with her life and further that there used to be regular differences between the couple. It was further submitted that the informant and other family members had participated in the funeral and had not raised any objection and the FIR itself has been lodged after more than two months, for which there is no explanation. Learned counsel submitted that the petitioner has no criminal antecedent.

5. Learned APP, from the case diary, submitted that the petitioner being the husband is responsible for death which has occurred in the matrimonial home. However, he was not in a position to controvert the fact that the informant had told the police, when the UD case was lodged, that the death was accidental.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the



petitioner be released on bail on furnishing bail bonds of Rs. 25,000/- (Twenty Five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran in Sugauli P.S. Case No. 383 of 2017. The petitioner shall cooperate in the trial and failure to do so shall lead to cancellation of his bail bonds.

7. The application stands disposed off.

(Ahsanuddin Amanullah, J.)

P. Kumar

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