

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39230 of 2019

Arising Out of PS. Case No.-180 Year-2018 Thana- ROHTAS District- Rohtas

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Ajay Sah S/O- Ramashish Sah R/O- Village- Khajuri, P.S.- Rohtas, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deovind Kumar Singh
For the Opposite Party/s : Mr. Amarendra Prasad

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 20-09-2019 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 304 B/34 of the Indian Penal Code.

Petitioner who happens to be husband of daughter of informant is said to have eliminated her daughter in association of his brother and second wife.

It is submitted by learned counsel for the petitioner that the petitioner has no concern with the aforesaid occurrence. He has been falsely implicated in the case merely because he happens to be husband of the deceased. The deceased was suffering from mental ailment and the petitioner accorded



medical aid to her but she succumbed to her ailment. After her death, the information was given to her family members and they arrived at the P.O. and after postmortem the petitioner cremated the dead body of the deceased. There is no allegation of demand of any dowry or tormenting the deceased over the said demand in the written report. Similarly situated co-accused has been enlarged on bail by a coordinate Bench of this Court vide order dated 24.01.2019 passed in Cr. Misc. No.63868 of 2018. Hence, the petitioner may be enlarged on bail.

On the other hand, learned APP for the State vehemently opposing the bail petition submitted that the petitioner happens to be husband of the deceased and he has eliminated the deceased by assaulting her for dowry demand after performing second marriage. Though in the written report, the informant has not stated about the dowry demand and tormenting the deceased over the said demand. But, in paragraphs 4, 5 & 6 of the case diary witnesses have stated about the said demand and torturing the deceased by the petitioner. Though the doctor has not opined the cause of death rather sent the viscera for its chemical examination and reserved its opinion but he has found swelling on the neck and abrasion on both the knees of the deceased. Hence, the petitioner does



not deserve bail.

Considering the facts and circumstances of case, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected. However, the petitioner is directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order.

(Prakash Chandra Jaiswal, J)

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