

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41111 of 2019

Arising Out of PS. Case No.-219 Year-2018 Thana- RAJPUR District- Buxar

Ram Ganesh Sah son of Sidh Nath Sah Resident of Village - Baghelwa, P.S.-
Rajpur, Dist.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Kamal Deo Sharma, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 18-09-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner who is in custody since 24.12.2018 has filed the instant application for grant of bail in connection with S.Tr. No. 102 of 2019 arising out of Rajpur P.S. Case No. 219 of 2018 registered for the offence punishable under sections 304B and 34 of the Indian Penal Code and section 3/4 of the Dowry Prohibition Act.

As per the allegation in the FIR, the informant gave various articles as dowry in the marriage of his daughter which took place in June 2017 with the petitioner. It is stated that just six months after the marriage the accused persons started demanding gold ornament and Rs. 1.25 lacs and on non-fulfillment of the same, torture also started. It was further stated



that in September 2018 his daughter was done to death by pouring kerosene oil and she died in course of treatment in a hospital at Varanasi, eighteen days later.

It was submitted by learned counsel for the petitioner that the petitioner is the husband of the deceased. His wife caught fire accidentally while arranging fire/heat in the cold weather for cows. Immediately after the accident of getting burn, his wife was taken to the hospital at Varanasi where she was undergoing treatment. It was submitted that the cost of treatment was borne by the petitioner. However, unfortunately the victim's mother took her home from the hospital on 24.09.2018, as a result of which she developed infection and although she returned on 26.09.2018 but died on the same day.

It was further submitted by learned counsel for the petitioner that the mother of the deceased in her statement in course of investigation has also stated about her treatment in hospital at Varanasi and about the cost of the treatment being borne by the petitioner. It was further submitted that the petitioner is in custody since 24.12.2018 and has no criminal antecedent.

The application for bail was opposed by learned APP for the State.



Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the material that has transpired in course of investigation and the relationship of this petitioner being the husband of the deceased, the Court is not inclined to grant bail to the petitioner and as such the petitioner's application for bail is rejected.

However, in view of the petitioner being in custody since 24.12.2018, the statement of the mother of the victim with respect to the petitioner bearing the cost of treatment etc., the petitioner, if so advised, may renew his prayer for bail on completing one year in custody.

(Partha Sarthy, J)

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