

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22214 of 2020

Arising Out of PS. Case No.-426 Year-2019 Thana- HARSIDHI District- East Champaran

SANTOSH KUMAR SAH S/o Late Jhapas Resident of Village-Bishunpura,
Tali, P.S-Harsidhi, District-East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

For the Opposite Party/s : Mr. R.B.Roy 'Raman', APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 25-09-2020 Heard learned counsel for the parties.

This application for grant of regular bail arises out of Harsidhi P.S.Case No. 426 of 2019, registered for the offence punishable under Sections 498(A), 304(B)/34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

The petitioner is the husband of the deceased, who was found dead by strangulation. The marriage of the petitioner with the deceased was solemnized, as alleged in the F.I.R., nearly one and half years before the date of occurrence.

It transpires from the case diary, a digital copy of which is available on record, that there was lack of compatibility between the petitioner and the deceased. The deceased was found dead in her room. Brother of the deceased has been examined by the police, who appears to have disclosed that few days before the date of occurrence, the petitioner had



gone to the parental home of the deceased to bring her back to the matrimonial home. Some altercation had taken place then also. He has also disclosed that on the date of occurrence, the petitioner had gone to earn livelihood and was not present in his home, where the deceased had died.

On careful reading of the case diary, it appears that the evidence of some of the witnesses indicate commission of suicide by the deceased. Charge-sheet appears to have been submitted by the police for the offences punishable under Section 304(B) and 498A of the Indian Penal Code.

Considering the facts and circumstances, since the petitioner is in custody since 05.01.2020, this application is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., East Champaran, Motihari, in Harsidhi P.S. Case No. 426 of 2019.

It is directed that the defect(s) in the application, pointed out by the Registry, must be removed within two months.

Since there is a lock down, the Court has considered it



appropriate to adopt following procedure for communication of the present order :-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential-office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned Court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social distancing.

(Chakradhari Sharan Singh, J)

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