

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 78945 of 2019

Arising Out of PS Case No.-62 Year-2018 Thana- SHRINAGAR District- Madhepura

Akhilesh Sah @ Dhirendra Sah, aged about 26 years, Gender-Male, Son of Dhanay Sah, Resident of Ramnagar Mahesh, P.S.- Sri Nagar, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bam Bahadur Jha, Advocate
For the State	:	Mr. Arun Kumar Singh, APP

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

ORAL JUDGMENT

Date : 25-09-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Bam Bahadur Jha, learned counsel for the petitioner and Mr. Arun Kumar Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Shrinagar PS Case No. 62 of 2018 dated 24.07.2018, instituted under Sections 304A, 120B and 120 of the Indian Penal Code and subsequently Section 304A was converted into 304B of the Indian Penal Code.



4. The allegation against the petitioner, who is the husband of the daughter of the informant is of having killed her in the matrimonial home along with his other family members.

5. Learned counsel for the petitioner submitted that the case itself is apparently false for the reason that initially a Complaint Case was filed on 26.06.2018, though the incident is said to have taken place on 04.06.2018. Moreover, it was pointed out that on the main petition filed by the mother of the deceased, there is no signature of the complainant. It was submitted that still the complaint was sent to the police for lodging FIR resulting in the present case being formally instituted on 24.07.2018. Learned counsel submitted that in the complaint/FIR, the entire allegation is against the family members of the petitioner and not against him particularly. Learned counsel submitted that the petitioner being a labourer was working in the State of Punjab at the relevant point of time, which has been corroborated by the witnesses during investigation. Learned counsel submitted that the witnesses have also stated that the deceased had developed stomach ache and was taken to a local doctor but when her condition deteriorated, she was taken to Kumarkhand hospital but before reaching, she died. It was further submitted that the informant and other family members had come to the residence of the petitioner



and has also taken part in the cremation, the next morning, which was done in the presence of local *Mukhiya* and five other villagers. Learned counsel submitted that the allegation is basically non fulfillment of demand of dowry of Rs. 25,000/-. It was submitted that it is unbelievable that within three months of marriage, a girl would be killed without giving sufficient time for her family members to meet the demand. Learned counsel submitted that the petitioner has clean antecedent and is innocent.

6. Learned APP, from the case diary, submitted that the girl died within three months of marriage in the matrimonial home and the body was also burnt without any police case or postmortem being performed which would have revealed the cause of death. However, he did not controvert that witnesses have stated that the petitioner was working in Punjab at the relevant point of time and also that the deceased was taken for treatment locally and then to Kumarkhand hospital but on the way she died and further that the family members of the victim were present at the time of cremation of her mortal remains.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon



furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Madhepura in Shrinagar PS Case No. 62 of 2018, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, that one of the bailors shall be a close relative of the petitioner.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar/Anand Kr.

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