

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78322 of 2019

Arising Out of PS. Case No.-253 Year-2019 Thana- SAUR BAZAR District- Saharsa

BUDHAN SAH, aged about 25 years, Male, S/o Madan Sah @ Laldev Sah,
R/o village- Pama, P.S.- Sour Bazar, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Advocate

For the Opposite Party/s : Mrs. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 27-05-2020 Heard Mr. Pawan Kumar, the learned counsel for the petitioner and Mrs. Madhuri Lata, the learned Additional Public Prosecutor appearing on behalf of the State through video conferencing.

The petitioner seeks bail in Sour Bazar (Patarghat O.P.) P.S. Case No.253 of 2019, registered under Sections 304B, 201 and 34 of the Indian Penal Code.

The informant, Asharfi Sah disclosed that he got his daughter married six years ago with Budhan Sah but after sometime of marriage, his son-in-law and others were demanding additional dowry and motorcycle. They all killed his daughter and kept her dead body in *Kamat*.

Learned counsel for the petitioner submits that no specific allegation is made against the petitioner. The petitioner



was married six years ago with the deceased. No complaint was ever made about any demand of dowry and torture. The informant alleged that all the accused persons including the petitioner killed the daughter of the informant but from perusal of the post-mortem report, it would appear that neither any external nor any internal injury was found. Viscera was sent to FSL for test and report. The FLS reported that there is no sign of poisoning or any metallic element was found. It is submitted that the wife of the petitioner died of natural death but the informant in order to extract money from the petitioner and his family members lodged this case. The petitioner being the husband of the deceased is in jail since 05.07.2019.

The learned Additional P.P. however, opposed the prayer for bail.

Case diary is received. Perused the FIR and the case diary. The informant of course made allegation against the petitioner and all other family members of the petitioner that they killed his daughter on account of non-fulfillment of demand of dowry but from perusal of the post-mortem report, no external or internal injury was found. It is submitted that even in the FSL report, no foreign material showing administration of poison was found and, therefore, the death



was not caused on account of poisoning.

Considering the facts aforesaid and the fact that the petitioner is in jail for more than ten months, petitioner, namely, Budhan Sah is directed to be enlarged 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., Saharsa in connection with Sour Bazar (Patarghat O.P.) P.S. Case No.253 of 2019.

(Prabhat Kumar Jha, J)

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