

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11188 of 2021

Arising Out of PS. Case No.-211 Year-2020 Thana- HASANPUR District- Samastipur

BUCHCHI SAH @ SURESH SAH Son of Late Banarsasi Sah Resident of
Village- Nakuni Atapur, P.S.- Hasanpur, Distt- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Rama Kant Sharma, Sr. Advocate Mr. Rajesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 08-07-2021 . In view of sudden resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned Senior Counsel for the petitioner and the learned APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Hasanpur PS Case No. 211 of 2020 registered under Sections 304B, 120B and 201 of the IPC.

The informant has alleged that his daughter was married with the petitioner's son in the year 2019. While she was visiting on the occasion of Rakhi she complained that the husband and in-laws were pressing her for some cash and motorcycle (dowry). On 13.8.2019 the informant has received information that she has been done to death at her matrimonial home for non fulfillment of demand of dowry.

It is submitted by learned Senior Counsel for the petitioner that the FIR has been lodged one year after the alleged occurrence and from perusal of the same it appears that it was sent to



Court on 15.9.2020. This delay is itself indicative of falsity of the allegation. The prosecution is product of an afterthought. Instant petitioner is aged about 60 years. He is a disabled person suffering with 40% disability on account of polio deformation, as per certificate issued by the office of Civil Surgeon, Samastipur, copy of which has been placed on record at Annexure 3. Under such circumstances he continues to be in custody since 26.9.2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of ACJM Rosra, Samastipur in Hasanpur PS Case No. 211 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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