

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.29288 of 2020**

Arising Out of PS. Case No.-629 Year-2019 Thana- SARAIYA District- Muzaffarpur

AMIT SAH, S/o Late Daya Shankar Sah, Resident of Village-Basantpurpatti,
P.S.-Saraiya, District-Muzaffarpur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Bela Singh, Advocate
For the Opposite Party/s	:	Mr.Madan Kumar, A.P.P.
For the Informant	:	Mr. Anil Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

7 13-07-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner, learned counsel for the informant and Mr. Madan Kumar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Saraiya P.S. Case No. 629 of 2019, G.R. No. 3202 of 2019 registered for the offence punishable under Section 304B/34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

As per the prosecution story, the marriage between the petitioner and the daughter of the informant had been



solemnized two years back. According to the F.I.R. when the daughter of the informant went to her Sasural, the Sasural people looked after her very well but thereafter they started demanding motorcycle and a cash of Rs. 2,00,000/- as dowry. It is alleged that because the informant could not fulfill the demand of dowry, his son-in-law, his elder brother, gotini and altogether eight family members named in the F.I.R. started torturing the daughter of the informant. It is further alleged that there was a Panchayati over it and the informant can produce a written proof of it.

Learned counsel for the petitioner submits that in the F.I.R. itself it is stated that the Sasural people having good behaviour with the victim lady, therefore, the specific allegation of demand of dowry is nothing but a concocted story to falsely implicate the petitioner and all the family members.

Learned counsel further submits that in the F.I.R. the informant talks of a Panchayati but in course of investigation no material has come to show that there was any torture to the victim lady and for that reason there was any Panchayati in the village. In fact, there is no witness to say that the victim was being tortured in the family.

It is lastly submitted that the post-mortem report



shows ligature mark around the neck and the victim lady died of asphyxia due to hanging, thus, it is a case of suicide and not a dowry death. He has relied upon the statement of the witnesses in paragraph '5' and '11'.

On other hand, learned counsel for the informant and learned A.P.P. for the State have opposed the prayer for regular bail of the petitioner. It is submitted that the petitioner is the husband and the victim died within two years of marriage. On specific query raised by this Court from the learned A.P.P. for the State and learned counsel for the informant as to whether there is any witness in the diary to say the victim was being tortured in the family, this Court has been informed that there is no such material.

Considering the facts and circumstances of this case wherein the informant himself says in the F.I.R. that the victim was treated well after the marriage, the allegation of torture for non-fulfillment of demand of dowry has been made but there is no material in this regard in the case diary, the post-mortem report shows only one ligature mark around the neck and no ante-mortem has been found on the body, the petitioner has remained in custody in connection with this case since 27.01.2020, investigation against him is complete but the trial is



not likely to take place in near future, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, West Muzaffarpur in connection with Saraiya P.S. Case No. 629 of 2019, G.R. No. 3202 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of



bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

vats/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

