

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40065 of 2020

Arising Out of PS. Case No.-358 Year-2020 Thana- SUGAULI District- East Champaran

1. SURESH SAH, Son of LATE RAM BACHAN SAH, Resident of Village - Parsona (Parsauna), P.S.- Sugauli, Distt.- East Champaran.
2. BULLET SAH, Son of SURESH SAH, Resident of Village - Parsona (Parsauna), P.S.- Sugauli, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Informant : Mrs Reshmi Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 08-02-2021 Heard Mr. Madhurendra Kumar, learned Counsel

for the petitioners, Mrs. Reshmi Jha, learned counsel for the

informant and learned Additional Public Prosecutor for the

State.

This application, for grant of regular bail, arises out
of Sugauli Police Station Case No. 358 of 2020, disclosing
offences under Sections 304(B), 201, 34 of the Indian Penal
Code.

The allegation, as per the First Information Report
is that due to non-fulfillment of demand of dowry by the
petitioners and others, the sister of the informant has been killed
by the petitioners and other family members within two and a



half years of marriage and the dead body has been secretly disposed.

Learned counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged and they have falsely been implicated in this case inasmuch as they are residing separately from the husband of the deceased. Learned counsel next submits that the demand of dowry, as alleged in FIR is not correct and they have no concern with the family affairs of the husband of the deceased.

On the other hand, learned counsel for the informant and State vehemently opposed the prayer for bail and submits that the petitioners are specifically named in the First Information Report and allegation of demand of dowry is against them and within two and a half years of marriage, the sister of the informant has been killed in her matrimonial home and the dead body has secretly been disposed in the suspicious condition, as such there is presumption against the petitioners and others under Section 113(B) of the Evidence Act and the petitioners have failed to discharge prima facie liability of showing their innocence. As such, they do not deserve privilege of regular bail.

Having regard to the submissions made by the parties



and taking into consideration the materials on record, I am not inclined to grant regular bail to the petitioners and the same is hereby rejected.

However, the petitioners may renew their prayer for bail after nine months from today, if trial does not show any progress.

(Anil Kumar Sinha, J.)

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