

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.841 of 2021

Arising Out of PS. Case No.-96 Year-2019 Thana- NAUTAN District- West Champaran

Chandan Kumar Sah, Son of Butan Sah, Resident of Village - Jagdishpur,
P.S.- Jagdishpur, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

9 12-08-2021 The matter has been taken up today for consideration
through video conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Nautan
(Jagdishpur) P.S. Case No.96 of 2019 registered for the offence
punishable under Sections 304B, 301, 34 the Indian Penal Code.

Informant's grand-daughter has died in her
matrimonial home leading to lodging of the F.I.R. It is alleged
that the marriage was solemnized in May, 2014.



Learned counsel for the petitioner submits that the F.I.R. does not disclose any demand for dowry soon before death. Mother and father had not come forward to lodge the F.I.R. The petitioner has voluntarily surrendered on 01.07.2020 and since then he continues to be in custody. The informant has lodged the F.I.R. by putting his L.T.I. He has subsequently filed a petition before the court stating that he had asked the police to conduct an investigation to find out as to how his granddaughter has died, but is not aware of the contents of the application which was scribed by the police personnel on the paper on which the F.I.R. has been instituted. It is submitted that the entire case of the informant is overcast by a shadow of doubt and it is also stated that there being no female member in the family of the petitioner, the two children born out of the wedlock were suffering for want of care.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.



Let the petitioner, above named, be released 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 Chief Judicial Magistrate, Bettiah, West Champaran, in connection with Nautan (Jagdishpur) P.S. Case No.96 of 2019, 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.

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

(Madhuresh Prasad, J)

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