

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3279 of 2022

Arising Out of PS. Case No.-206 Year-2021 Thana- SHIVSAGAR District- Rohtas

VIJAY SAH S/o Late Chandrama Sah R/o village- Rsendua, P.S.- Sheosagar,
District- Rohtas

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dhaneshwar Prasad Gupta, Adv.

For the Opposite Party/s : Mr.Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 15-06-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Sheosagar P.S. Case No. 206 of 2021 lodged under Section
304(B) of the Indian Penal Code, 1860.

As per the F.I.R., the allegation is that the marriage of
informant's daughter was taken place in the year 2018 with one
Upendra Sah. Upendra Sah and his father and mother started
demanding vehicle, fridge, cooler etc. Allegation of torture for
child has also been made. It is also mentioned in the F.I.R. that
the informant was informed by her son-in-law that her daughter
has burnt and admitted in hospital, thereafter informant reached
there and found that her daughter is burnt and during treatment
she died. Thereafter, the present case has been filed under

Section 304(B) of I.P.C. against the husband, father and mother of the husband.

Learned counsel for the petitioner submits that the present petitioner is father-in-law of the deceased. He further submits that his son and daughter-in-law was living separate from father and mother. He further submits that husband Upendra Sah is already in jail since 25.03.2022 whereas the present petitioner is in custody since 26.07.2021. He also submits that mother-in-law of the deceased has been granted bail by the Co-ordinate Bench of this Court vide order dated 11.03.2022 passed in Cr. Misc. No.3101 of 2022. He further submits that petitioner has clean antecedent. He further submits that there is no allegation of tampering of witness alleged against the petitioner, petitioner is father-in-law of the deceased and therefore, bail may be granted to him.

Learned A.P.P. for the State submits that the petitioner is named in the F.I.R. and therefore, opposes the prayer for bail.

Considering the facts and circumstances of the case that the charge sheet has already been submitted, petitioner is in custody since 26.07.2021, husband is in custody and petitioner has no criminal antecedent, let the petitioner above named, be granted bail on furnishing bail bond of Rs.10,000/- (Ten

Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sasaram, Rohtas in connection with Sheosagar P.S. Case No. 206 of 2021, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(ii) At the time of furnishing bail bond, the petitioner shall file an affidavit to the effect that he shall not indulge himself in future in the similar type of offence. If it is found so, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

Accordingly, the bail application stands disposed of.

(Dr. Anshuman, J)

ravishankar/-

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