

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12694 of 2022

Arising Out of PS. Case No.-118 Year-2020 Thana- PAHARPUR District- East Champaran

Malti Devi, Wife of Sukat Sahani @ Sukat Sah Resident of Village -
Ekaderwa, P.S. - Paharpur, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Chandra Verma
For the Opposite Party/s	:	Mr. Awadhesh Kumar Singh
For the State	:	Mr. Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 15-09-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Paharpur P.S. Case No. 118 of 2020 dated 05.04.2020,

registered for the offences punishable under Sections

304(B), 201 and 34 of the Indian Penal Code.

As per the prosecution case, emerging from the

F.I.R., the marriage of deceased was solemnized with the

accused-husband namely, Sukat Sah on 03.03.2016 in a

temple. It is stated that she was second wife of the accused

Sukat Sah and her marriage was solemnized with the

consent of first wife i.e. Malti Devi. It is further stated that



deceased was a widow, having one female child from before. It is further alleged that after the marriage, she was subjected to torture on account of non-fulfillment of illegal demand of dowry. On 04.04.2020, the informant/uncle of the deceased received information that Mintu Devi has been killed by the accused persons and her dead body has been cremated. It is also stated that dead body was concealed under the conspiracy by the accused persons.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case and this case has been lodged with ulterior motive of illegal gratification and there is no occasion of demand of dowry. Learned counsel for the petitioner further submits that co-accused namely, Kedar Sah, who is brother of the deceased, has already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 05.04.2021 passed in Cr. Misc. No. 6146 of 2021. He also submits that the petitioner is not the husband of the deceased, in fact she is first wife and there is no occasion for her for making illegal demand from the deceased and victim's marriage was



solemnized with her consent.

The petitioner has been languishing in jail since 24.12.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

However, the learned APP for the State opposes the prayer for bail.

Considering the aforesaid facts and circumstance, and the fact that co-accused, Kedar Sah has already been enlarged on bail, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 11th Additional Chief Judicial Magistrate, Motihari, East Champaran in connection with Paharpur P.S. Case No. 118 of 2020 on the following conditions:

(i) The petitioner will make himself available for



interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner 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.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.



The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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