

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12121 of 2022**

Arising Out of PS. Case No.-107 Year-2021 Thana- HATHAURI District- Muzaffarpur

Shivji Sah S/o Late Dular Sah R/o village- Simri, P.S.- Hathauri, District-
Muzaffarpur (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 12-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Hathauri
P.S. Case No. 107 of 2021 registered for the offence under
Section 304(B) and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 23.12.2021.

The allegation against the petitioner is to cause death
of daughter of the informant due to non-fulfillment of demand
of dowry.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner is father-in-law of the deceased and



living separately. It is submitted that there is no specific allegation against the petitioner. It is further submitted that similarly situated co-accused person, i.e. mother-in-law of the deceased, namely, Urmila Devi has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 51934 of 2021 dated 30.11.2021. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that petitioner is the father-in-law of the deceased.

Considering the facts and circumstances as mentioned above, as petitioner is the father-in-law of the deceased and living separately from the deceased coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Hathauri P.S. Case No. 107 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Muzaffarpur/concerned Court, subject to the following



conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be Sunil Kumar, who is the son of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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