

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17373 of 2022

Arising Out of PS. Case No.-84 Year-2019 Thana- SINGHWARA District- Darbhanga

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Babloo Sah @ Barun Sah, Son of Parmeshwar Sah, Resident of Village-
Bharwara, P.S.- Singhwara, District – Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 17-10-2022 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Girish Chandra Jha, learned counsel for
the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Singhwara P.S. Case No. 84 of 2019 registered
for the offences punishable under Sections 304(B), 34 of the
Indian Penal Code.

As per the prosecution case, it is alleged that the
marriage of the sister of the informant was solemnized with the
petitioner on 07.05.2018. She had a son born out of the said
wedlock. It is also alleged that one month after the marriage, the



sister of the informant had telephonically informed the informant that her husband, father-in-law and bhai sur were putting pressure upon her to bring a dowry of Rs. 2,00,000/- and one motorcycle, failing which she would be killed. The father of the informant had allegedly given Rs. 40,000/- after selling his land but on 14.06.2019 all the accused persons, including the petitioner, killed the sister of the informant after strangulating her.

Learned counsel appearing on behalf of the petitioner submits that there is no specific allegation against the petitioner, however, he being unfortunate husband of the deceased is languishing in custody since 23.09.2021. He further submits that during the course of investigation, none of the witnesses have supported the prosecution case that the deceased was subjected to torture on account of non fulfillment of the demand of dowry. He next submits that the post mortem report also suggests that the cause of death is Asphyxia due to result of hanging and no other external injuries have been found over the body of the deceased. He next submits that in fact it is a case of suicide as the deceased had some abnormality and short temperament. He also submits that other accused persons have been allowed the privilege of bail by the learned co-ordinate Bench of this Court



after taking into consideration the aforesaid aspect.

On the other hand, learned APP for the State opposes the bail application and submits that from the materials available on record, it is evident that the death has caused in otherwise under normal circumstances within seven years of marriage and soon before her death, she was subjected to torture on account of non fulfillment of demand of dowry and as such, the presumption of dowry death certainly goes against the petitioner, who is none else but the husband of the deceased.

Regard being had to the submissions made on behalf of the parties and considering the fact that though the post mortem report suggests that the cause of the death is Asphyxia due to hanging but no materials has been found at the place of occurrence which suggest that it was a case of suicide and as such this Court is not persuaded to enlarge the petitioner on bail for present.

However, considering the period of incarceration and the undertaking that he will fully co-operate in trial, it is directed that the petitioner would be released on bail on or after framing of the charge by the Court below itself on furnishing appropriate bail bond to the satisfaction of the jurisdictional Court itself.



Accordingly, the present application dismissed for
present with aforesaid observation.

(Harish Kumar, J)

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