

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21926 of 2022

Arising Out of PS. Case No.-37 Year-2021 Thana- SAHEBGANJ District- Muzaffarpur

Dinesh Sah, S/o Nageshwar Sah, R/o Village- Bishunpur Patti, P.S.-
Sahebganj, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Uday Bhanu Rai, Advocate
		Mr. Sunil Kumar, Advocate
For the Opposite Party/s	:	Mr. M. K. Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-10-2022 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. Uday Bhanu Rai, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Sahebganj P.S. Case No. 37 of 2021 registered for the offences punishable under Sections 304(B), 201, 504, 506, 323/34 of the Indian Penal Code.

The prosecution case is based on a written report filed by the informant alleging therein that the marriage of his daughter was solemnized with the petitioner just six months ago. It is further alleged that soon after the marriage, the victim



was subjected to torture on account of non-fulfillment of dowry and on 24.01.2021, the informant received an information that his daughter was done to death by all the accused persons.

Learned counsel for the petitioner submits that the petitioner happens to be an unfortunate husband, who lost his wife just within six months of marriage, having pregnancy. He further submits that in fact on account of some complications developed in course of pregnancy, the deceased died. He next submits that with regard to the death of the deceased, information was given to the informant and he came to the Sasural of his daughter and thereafter on the instigation made by some unscrupulous person, the present F.I.R. has been instituted on the next day, however, later on, having come to know about the true facts, the informant filed a petition before the jurisdictional court stating therein that on account of some wrong information, this F.I.R. has been instituted. He next submits that during the course of investigation, no other cogent material has come suggesting the involvement of the petitioner in the present crime. He lastly submits that the petitioner, having fair antecedent, is in custody since 28.08.2021.

On the other hand, learned counsel for the State opposes the bail application and submits that admittedly the



deceased died in otherwise under normal circumstance within seven years of her marriage and soon before her death there was a demand of dowry and non-fulfillment of the same, she was subjected to torture and, as such, the presumption of dowry death cannot be ruled out.

Regard being had to the submissions made on behalf of the parties and considering the fact that the informant himself filed a petition before the court below stating therein that the F.I.R. has been instituted on account of some mistake of fact and there is no material available on record corroborating the prosecution case, apart from the fact that the petitioner is ready to give undertaking that he will fully cooperate in the trial till its conclusion, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, West Muzaffarpur in connection with Sahebganj P.S. Case No. 37 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.



(ii) He will remain physically present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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