

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36545 of 2021

Arising Out of PS. Case No.-622 Year-2020 Thana- PHULWARISHARIF District- Patna

Bittu Shah Son of Late Umesh Sah @ Umesh Saw Resident of Village -
Nawada, P.S.- Phulwari Sharif, Distt.- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 17-01-2022 Heard Shri Yogesh Chandra Verma, learned senior
counsel for the petitioner and Shri Nand Kishore Prasad, learned
A.P.P. for the State through virtual Court proceedings.

The petitioner seeks bail in connection with Phulwari
Sharif P.S. Case No. 622 of 2020 instituted for the offences
under Sections 304B and 34 of the Indian Penal Code.

Learned senior counsel for the petitioner submits that
the petitioner is in custody since 16.11.2020, charge-sheet has
been submitted in the case and charges have also been framed in
this case.

Learned senior counsel for the petitioner submits that
informant in the F.I.R. alleges that his daughter was married to
the petitioner two and a half years ago according to Hindu rites
and after about one year of the marriage, informant's daughter



was tortured by this petitioner and his mother as they were demanding some valuable goods and were even threatening of second marriage of the petitioner. Further, that on 15.11.2020 at about 9.00 pm victim talked with the informant in a very normal manner and on 16.11.2020 at 3.30 am, informant got a call from the house of the petitioner that his daughter has committed suicide. Accordingly, the present F.I.R. came to be instituted.

Learned senior counsel for the petitioner submits that petitioner is the husband and has been falsely implicated in the present case. He submits that if the petitioner would have killed the victim, then definitely, he would not have informed the informant about the same and would have made endeavours to dispose of the dead body.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that whether it was murder or suicide, for the present, it does not make much of a difference as the marriage was only two and a half years old and even presuming what has been submitted by the learned senior counsel for the petitioner that the victim committed suicide then also it was the petitioner who was responsible for the same. Learned A.P.P. submits that even in law the presumption is against the petitioner.



Considering the fact that the marriage was only two and a half years old and the victim died and petitioner is the husband, the Court for the present is not inclined to enlarge the petitioner on bail.

(Satyavrat Verma, J)

Rishi/-

U		T	
---	--	---	--

