

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29516 of 2022

Arising Out of PS. Case No.-93 Year-2020 Thana- IMADPUR District- Bhojpur

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Dhanan Sah S/o Ajay Sah R/o village- Narayanpur, P.S.- Imadpur, District-
Ara

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr.Tarakant Rishi, Advocate
For the Opposite Party/s	:	Mr.Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 22-08-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Imadpur P.S. Case No. 93 of 2020 registered for the offence under Section 304B/34 of the Indian Penal Code.

As per allegation, the informant's daughter aged about 20 years had been tortured by this petitioner and his family members for the demand of Rs. one lakh and a motorcycle and the accused persons had been subjecting the victim to torture since the time of marriage and finally they killed the victim and on receiving the information of the incident the informant went



to the petitioner's house and found his daughter in dead position and thereafter the informant's daughter was cremated in the presence of petitioner and other persons.

The main submissions advanced by learned counsel Mr. Tarakant Rishi for the petitioner are that the FIR in itself shows that the informant had got the information of the death of deceased on 16th October, 2020 and thereafter he participated in the cremation of the deceased but he did not take any legal action regarding the allegation made in the FIR and later on 20th October, 2020 he lodged the FIR in the present case with malice intention, if the deceased had been tortured by the accused persons including the petitioner then definitely the informant would have given information to the police about alleged torture just after the happening of the death of his daughter but he remained silent. Further submission is that during the investigation only the informant and his two sons supported the allegation made in the FIR but any independent person examined did not support the allegation of the FIR, in actual the deceased had stomach pain on the fateful day of the alleged occurrence and during the course of taking her to the hospital she died. Further submission is that co-accused Urmila Devi carrying similar nature of allegation has been granted anticipatory bail vide order passed in Cr.



Misc. No. 33842 of 2021 and other co-accused Ajay Sah has been granted regular bail by a co-ordinate bench of this Court vide order passed in Cr. Misc. No. 46748 of 2021.

Learned APP Mr. Suresh Prasad Singh appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and the case record. In the FIR there is no any specific allegation against the petitioner and the allegation relating to cruelty made against the petitioner is general and omnibus and two co-accused persons carrying similar nature of allegation have been granted anticipatory bail and regular bail by different benches of this Court. The FIR in itself goes to show that the informant had got the information of un-natural death of his daughter on 16th October, 2020 but he remained silent till 20th October, 2020 and he also participated in the cremation of the deceased. The said circumstance goes in favour of the petitioner's defence. Considering these facts as well as petitioner's custody period and also his case being similar to other accused persons who have been granted bail and also taking into account the fact that as per the order of Court below after the submission of charge-sheet the petitioner's case is running for cognizance which shows that the petitioner's case is at initial stage of trial, in my view a lenient



approach can be taken in respect of petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in Connection with Imadpur P.S. Case No. 93 of 2020, on the following conditions.

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J.)

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