

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41232 of 2021

Arising Out of PS. Case No.-110 Year-2020 Thana- SHYAMPUR BHATHA District- Sheohar

RAJNISH PASWAN S/O VIRENDRA PASWAN R/o village- Dhanhara, P.S.-
Shyampur Bhataha, District- Sheohar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh

For the Opposite Party/s : Mr.Arun Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

3 06-01-2022 The matter has been taken up for online hearing through video conference because of COVID-19 pandemic restrictions.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

This application for regular bail arises out of Shyampur Bhataha P.S. Case No. 110 of 2020, disclosing offence punishable under Sections 120-B, 304-B of the Indian Penal Code.

The petitioner is the husband of the deceased and is in custody since 17.04.2021. It is alleged in the FIR that the petitioner and his father used to make demand of a sum of Rs. 1 lakh from the father of the deceased for opening a shop and starting a business. It is further alleged that as the deceased



expressed her father's inability to pay the amount, she was put to death.

Learned counsel appearing on behalf of the petitioner has submitted that even if what has been alleged in the FIR is treated to be correct, no offence under Section 304-B of the Indian Penal Code can be said to be made out, as a request for help for starting a business cannot be treated to be a dowry demand. He has further submitted that since the charge-sheet has already been submitted, there is no chance of tampering with the evidence or the petitioner fleeing from the course of trial. He submits that the FIR does not attribute any specific overt act against the petitioner.

Considering the nature of accusation as emerging from the First Information Report, submission advanced on behalf of the petitioner as noted above and the petitioner's incarceration since 17.04.2021, this application is allowed.

Let the petitioner, above-named, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand), with two sureties of the like amount, each to the satisfaction of learned ACJM 1st, Sheohar, in Shyampur Bhataha P.S. Case No. 110 of 2020.

(Chakradhari Sharan Singh, J)

Rajesh/-

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