

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.43832 of 2021

Arising Out of PS. Case No.-300 Year-2020 Thana- BAGHA District- West Champaran

OM PRAKASH SAH Son of Baldeo Sah Resident of Village - Kailash Nagar,
P.S. - Bagaha (Patkhauri), District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 18-05-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Bagaha (Patkhauri) Police Station Case No. 300 of 2020,
registered for the offences punishable under Sections 304-
B/201/34 of the Indian Penal Code.

The marriage of the petitioner was solemnized with
the sister of the informant (now deceased) in the year 2015. The
allegation is that after one year of the marriage, the petitioner
started torturing the deceased physically and used to taunt that
adequate dowry was not given by the father of the deceased. On
23.05.2020, at about 9 AM, the informant got information on his
phone that his sister has died as she has been crushed by the



train. The informant alleged that he has suspicion that she has not been crushed by the train, but the petitioner, along with other accused persons, has killed her sister and has stealthily disposed her dead body.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case with oblique motive inasmuch as the marriage was solemnized about five years back from the date of alleged occurrence and in the First Information Report, there is no allegation of demand of dowry by the petitioner just before the death of the deceased. He next submits that during the course of investigation, the witnesses have stated that the petitioner was not working during the lockdown period and was not earning enough, due to which the wife of the petitioner was upset and it appears that she has committed suicide before the train. He next submits that the independent witnesses have stated during the course of investigation that body of the deceased was brought from the railway track to the house of the petitioner by the villagers, having cut injuries on her body and since the Railway Police Station was far away from the place of occurrence, the incident could not be informed to the GRP. He further submits that the petitioner is an illiterate person and works as a cook and was not



aware about the intricacy of law. He further submits that the petitioner is in custody since 19.02.2021.

This Court, vide order, dated 25.04.2022, had called for a report from the learned Court below regarding the stage of the case and in pursuance of the said order, a report has been submitted by learned 1st Additional Sessions Judge, West Champaran, at Bagaha, and from perusal of the same, it appears that out of 15 chargesheeted witnesses, none has been examined.

Regards being had to the submissions made on behalf of the parties and taking into consideration the circumstances and the statement of the independent witnesses recorded during the course of investigation and the fact that the marriage was solemnized about five years back, there is no substantial progress in the trial and the petitioner is in custody since 19.02.2021, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Chief Judicial Magistrate, West Champaran, at Bagaha, in connection with Bagaha



(Patkhauri) Police Station Case No. 300 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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