

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35371 of 2022

Arising Out of PS. Case No.-145 Year-2021 Thana- PATAHI District- East Champaran

Abhishek Sah Son Of Gauri Sah R/O Village- Bakhari Bazar, P.S.- Patahi,
District- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Ranjana Srivastava, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 16-09-2022 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 Patahi P.S. Case No.145 of 2021 registered for the offences under Sections 304B and 34 of the Indian Penal Code.

As per the allegation, the informant's daughter was married to this petitioner on 07.12.2020 and after the marriage the petitioner and his family members started demanding Rs.2,00,000/- from the victim and started torturing her for not fulfilling the said demand and during that course the informant



paid Rs.50,000/- to the accused persons to fulfill dowry demand but even then their behaviour in respect to the victim did not change and eventually the petitioner and his family members killed the victim by setting her on fire.

The main submissions advanced by the learned counsel Ms. Ranjana Srivastava for the petitioner are that the informant lodged the FIR of the instant matter due to some misunderstanding and after the institution of this case he realized his mistake and compromised the case and filed a compromise petition before the Court below and disclosed the innocence of the accused persons, and some of the co-accused persons have been granted bail and at the time of the alleged incident the petitioner was not present at the alleged place as he was at his working place in Bengaluru. Further submission is that the allegation made in the FIR against the petitioner is general and omnibus and petitioner has been languishing in jail since 28.01.2022.

Learned APP Mr. Jitendra Kumar Singh appearing for the State has opposed the bail prayer and submitted that the victim sustained 100 per cent burn injury and there is a serious allegation of dowry death against the petitioner.

Heard, both the sides and perused the FIR. The victim



who is stated to be wife of this petitioner died an unnatural death by sustaining burn injuries just after eight months of her marriage and the informant who happens to be father of the victim has made serious allegation against this petitioner and his family members and also alleged in the FIR that in order to fulfill the demand of dowry he had paid Rs.50,000/- to the accused persons but even then the lust for money of the accused persons was not fulfilled. No doubt, the informant who is an important witness of the prosecution has compromised and submitted a compromise petition before the court below as appears from Annexure-2 but considering the nature of allegation which relates to dowry death and the same took place just after few months of the marriage of the victim and according to the allegation the victim was burnt to death by the accused persons and the petitioner happens to be the husband of victim and it was the prime duty of the petitioner to protect his wife from all kind of tortures, in the opinion of this Court the petitioner does not deserve to the privilege of bail. Accordingly, his bail prayer stands rejected.

The trial Court is directed to expedite the trial of this petitioner and take steps to conclude the same in the next one year and if the trial of the petitioner is not concluded within the



said period then the petitioner may renew his bail prayer.

(Shailendra Singh, J.)

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