

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59590 of 2021

Arising Out of PS. Case No.-138 Year-2017 Thana- KASBA District- Purnia

AWADHES SAH S/O SHANKAR SAH R/o village- Gadhbaneli, P.S.-
Kasba, District- Purnia

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Giri, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-03-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Kasba
P.S. Case No. 138 of 2017 instituted for the offences under
Sections 304(B) and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 11.08.2021, is a person with clean
antecedent and charge-sheet has been submitted in the case.

The informant alleges that his sister (deceased) was
married to the petitioner on 27.04.2016, further after marriage
the accused persons including the petitioner were demanding
dowry, accordingly as per their demand, informant gave them
Rs. 1,90,000/- to buy motorcycle, jewellery, trunk, etc. Further it
is alleged that the accused persons didn't allow the deceased to



talk to her family members and on 05.08.2017, the informant came to know that his daughter has been killed for dowry.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, the cause of death was electric current and the informant took that as an opportunity to falsely implicate the petitioner. It is further submitted that the co-accused i.e. father-in-law and mother-in-law and other relatives have been granted bail by this Court as such maintaining parity, the petitioner should also be granted bail.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that petitioner is the husband and his status in comparison to other accused who have been granted bail is much higher in relation to his wife and it was his responsibility to ensure the well being of his wife. Learned A.P.P. submits that from perusal of the impugned order it would manifest that witnesses at paragraph '6', '10' and '11' of the case diary have fully supported the prosecution version and have stated that the accused persons have committed the murder of the deceased by bringing her in contact with live electric wire intentionally on account of non-fulfillment of demand of dowry, though the doctors have opined that the cause



of death of deceased is on account of electric current. Learned A.P.P. further submits that even the conduct of the petitioner is not above board, F.I.R. was instituted in the year 2017 as such the death was only within a year of marriage and the petitioner has surrendered nearly after four years of the occurrence.

At this stage, learned counsel for the petitioner seeks permission to withdraw the bail application.

Permission is accorded with liberty to the petitioner to renew his prayer for bail after framing of charges.

Accordingly, the present bail application is dismissed as withdrawn.

(Satyavrat Verma, J)

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