

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65957 of 2021**

Arising Out of PS. Case No.-324 Year-2020 Thana- BELHAR District- Banka

MAHADEO SAH @ MAHADEV SAH Son of Late- Lakhan Sah @ Lakhan
Thathera Resident of Village- Bahjora, P.S.- Belhar, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Adv.

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 25-03-2022 Heard learned counsel for the petitioner and the State
through virtual mode.

Learned counsel for the petitioner is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks.

The petitioner is apprehending his arrest in Belhar P.S.
Case No. 324 of 2020 registered under Section 304B/34 of the
Indian Penal Code and ³/₄ of Dowry Prohibition Act.

Allegation against the accused persons including the
petitioner is of committing torture and causing death of the
victim due to non-fulfillment of demand of dowry.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation
of tampering of witnesses alleged against the petitioner. The



petitioner has been made accused in the present case due to mistake of fact. From perusal of paragraphs-7, 8 & 43 of the case diary, it is evident that the deceased is alleged to have committed suicide. No offence u/S 304B of the Indian Penal Code is made out.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Belhar P.S. Case No. 324 of 2020 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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