

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23563 of 2022

Arising Out of PS. Case No.-41 Year-2021 Thana- KATIHAR MUFFASIL District- Katihar

VIVEK KUMAR SAH SON OF DILIP SAH R/O- VILLAGE-
HAFLAGANJ, P.S- MUFFASIL, DISTRICT- KATIHAR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 12-01-2023 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 304B and 34 of the Indian Penal Code.

As per the prosecution case, the daughter of the informant was married to the petitioner herein. The informant states that his daughter was tortured, abused and assaulted by the accused persons including the petitioner herein for non-fulfillment of the demand of dowry by way of motorcycle and Rs. 5,00,000/-.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case only for the reason that he happens to be the husband of the deceased. The manner of occurrence is other than what has been



narrated in the FIR. For some oblique reason the daughter of the informant committed suicide. The petitioner is in custody since 6.3.2021 and has no criminal antecedent. The petitioner undertakes to cooperate on his release on bail.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the nature of allegation, the petitioner being the husband of the deceased, the postmortem report of the deceased stating the cause of death to be asphyxia due to strangulation, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial court is directed to expedite the trial.

(Partha Sarthy, J)

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