

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33409 of 2022

Arising Out of PS. Case No.-736 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

SURAJ SAH @ SURAJ KUMAR Son of Chhattu Sah Resident of Village -
Madhuban Malang Chouk, P.S.- Madhuban, Distt.- East Champaran. At
Present Anand Vihar Colony Aiyapur, P.s.- Ahiyapur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Udit Narayan Singh

For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 17-01-2023 Let the defect(s), as pointed out by the office,

be removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Ahiyapur P.S. Case No. 736 of 2021 registered for the
offences punishable under Sections 304(B)/34 of the Indian
Penal Code.

As per prosecution case, petitioner and others
killed the informant's daughter for not fulfilling the demand
of dowry.

Learned counsel for the petitioner submits that



petitioner is in custody since 27.10.2021. Petitioner bears no criminal antecedent. Learned counsel further submits that the petitioner is innocent and has committed no offence as alleged in the F.I.R. Petitioner is falsely implicated in this case as he is the husband of the deceased. No specific allegation has been made against the petitioner. Allegation against the petitioner is general and omnibus in nature.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that there is an allegation of torturing and assaulting against the petitioner and finally informant's daughter has been killed and postmortem report also quite evident in this regard. In para 21 of the case diary, witness namely Kanchan Kumari has also asserted the fact of assault prior to the occurrence. Learned counsel further submits that the petitioner is the husband of deceased.

Considering the facts and circumstances of the case, nature of allegation against the petitioner coupled with postmortem report and materials available on record, I am not inclined to grant bail to the present petitioner. Accordingly, prayer for bail of the present petitioner stands



rejected.

However, if there is no substantial progress in trial within nine months from the date of receipt of the order, the petitioner may renew his prayer for bail.

(Alok Kumar Pandey, J)

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