

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34056 of 2023

Arising Out of PS. Case No.-861 Year-2022 Thana- KATIHAR NAGAR District- Katihar

Suraj Sah S/O Bhado Sah R/O Mohalla- Tingachiya (Bajrang Tola), P.S-
Nagar, Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-06-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Town P.S.
Case No. 861 of 2022 registered for the offence under Section
304(B)/34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 01.01.2023.

The allegation against this petitioner is to cause death
of daughter of informant alongwith other co-accused
persons/family members, where narration of F.I.R. is suggesting
that occurrence took place out of family quarrel.

Learned counsel appearing on behalf of the petitioner



submitted that the implication of petitioner with present case only for the reason that he is the husband of deceased. It is submitted that there is no allegation of demand of dowry from the narration of F.I.R., and as such lodging case under Section 304-B of Indian Penal Code, is not appearing convincing on its face. It is submitted that the deceased wife of petitioner being a short temper lady out of family quarrel committed suicide and to save the real culprits, who are also the family members, the petitioner implicated with this case only being that he is the husband. It is submitted that deceased committed suicide out of suspicion, as petitioner found in compromising position with her sister-in-law (Gotani). It is also submitted that the act of petitioner is not so direct or active, which may be said to be of such nature to force deceased to commit suicide without leaving any other option. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail fairly conceded the fact that the narration of F.I.R. is not supporting the allegation of demand of dowry on its face.



Considering the facts and circumstances as mentioned above, and by taking note of the fact as narration of F.I.R. is not supporting the allegation of demand of dowry, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 01.01.2023, accordingly the petitioner, above named, is directed to be released on bail in connection with Town P.S. Case No. 861 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate Katihar/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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