

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49547 of 2023

Arising Out of PS. Case No.-110 Year-2016 Thana- LAURIA District- West Champaran

Jitan Sah @ Jitu Sah Son Of Maman Sah @ Baban Sah @ Sunarman Sah R/O
Village - Fulwariya, P.S.- Lauriya, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 02-12-2023 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 302, 201 and 34 of the Indian Penal Code.

3. Allegation against the petitioner is that he committed murder of his wife in connivance with other co-accused persons due to non-fulfillment of dowry demand.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The petitioner is the husband of the deceased due to which he has falsely been implicated in this case. From perusal of the FIR, it clearly transpires that the marriage of the informant's



daughter was solemnized with this petitioner 10 years ago hence, no question of demanding dowry. There is no prior complaint in respect of ill treatment with the deceased. It is further submitted that as per FIR, informant alleged that the petitioner along with other co-accused person committed murder of his daughter by sprinkling kerosene whereas according to postmortem report, the cause of death of the deceased is due to asphyxia as a result of ante mortem drowning which clearly falsifies the prosecution story. There is no eye witness of the alleged occurrence. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 01.05.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Lauriya P.S. Case No. 110 of 2016 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the



satisfaction of learned Additional District and Sessions Judge
4th, Bettiah, West Champaran, Bettiah, West Champaran.

(Sunil Kumar Panwar, J)

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