

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47381 of 2023

Arising Out of PS. Case No.-108 Year-2023 Thana- KALYANPUR District- East Champaran

Birendra Sah, Son of Jailal Sah ,R/o-Chainpur Bhagya Nagar, P.S.-Kalyanpur,
Distt.-East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-08-2023 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection with Kalyanpur P.S. Case No.108 of 2023 registered for the offences punishable under Sections 304-B and 120-B of the Indian Penal Code.

3. The accused/petitioner is named in the FIR and is in custody since 03.04.2023.

4. Allegation against the petitioner is to cause death of daughter of informant along with other co-accused persons/family members due to non-fulfilment of demand of dowry as raised for Rs.4,00,000/- and other valuable household items like, fridge, golden chain etc.

5. It is submitted by learned counsel that petitioner is father-in-law and living separately having otherwise no



connection with daily and domestic affairs with the deceased and her husband. It is submitted by learned counsel that thrust of allegation is available against husband of the deceased and as far allegation regarding demand of dowry is concerned, same is appearing very much general and omnibus against this petitioner, where implication only for the reason that he is father of the husband of deceased. It is submitted that the cause of death is '**asphyxia due to hanging**' where no external injury was noticed, sufficient to suggest that the deceased-daughter of informant was not subjected to physical cruelty soon before occurrence. While concluding argument, it is submitted that investigation of this case is completed for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer for grant of bail to the petitioner.

7. In view of above-mentioned facts and circumstances, as implication of this petitioner appears only being the father-in-law, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 03.04.2023, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of



Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 3rd Additional Chief Judicial Magistrate, East Champaran, Motihari in connection with Kalyanpur P.S. Case No.108 of 2023, subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

Sanjeet/-

U		T	
---	--	---	--

