

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 51029 of 2022

Arising Out of PS. Case No.-112 Year-2020 Thana- PHENHARA District- East Champaran

Sunil Sah Son Of Raj Ballabh Sah @ Ram Janam Sah R/O Village And P.O.-
Kalupakar, P.S.- Phenhara, District- East Champaran.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shyama Kant Singh, Advocate
For the State	:	Mr. Binod Kumar, APP
For the Informant	:	Mr. Madhurendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 16-02-2023 Heard learned counsel appearing on behalf of the

petitioner, learned counsel appearing on behalf of the State and

learned counsel appearing on behalf of the Informant.

The petitioner seeks bail in connection with Phenhara
P.S. Case No. 112 of 2020 registered for the offence under
Section 304(B) of the IPC.

The accused/petitioner is named in the F.I.R. and is in
custody since 11.05.2022.

The allegation against the petitioner, who is the
husband of the deceased is to cause of death of daughter of the
informant, alongwith other family members/co-accused persons,
due to non-fulfillment of demand of dowry as raised for one
motorcycle.



Learned counsel appearing on behalf of the petitioner submitted that present FIR was lodged after six months of the occurrence due to oblique motive, where implication is completely false without having any connecting evidence. It is also submitted that from perusal of the complaint, death was caused by administering poison and this fact was totally ruled out as per post-mortem report, where cause of death was ascertained as “electrical shock”. It is also submitted that death of wife of petitioner was accidental as while she was taking bath died out of electric current. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation of this case is complete, where charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP, duly assisted by learned counsel appearing on behalf of the informant, while opposing the prayer of bail submitted that several witnesses during the course of examination supported the fact of demand of dowry soon before the occurrence. It is also submitted that presumption is against the petitioner, where he has to explain the cause of death.

Considering the facts and circumstances as mentioned above, as cause of death appears to be electric shock as per post-



mortem report, where FIR was lodged after six months of the occurrence, where cause of death as alleged is administering poison, let the petitioner, above named, is directed to be released on bail in connection with Phenhara P.S. Case No. 112 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate First Class, Motihari District East Champaran/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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