

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53029 of 2022

Arising Out of PS. Case No.-71 Year-2021 Thana- JURAWANPUR District- Vaishali

CHAMRU SAH @ CHAMRU SHAW S/o Yudagi Sah R/o Village- Birpur,
P.S.- Jurawanpur, Distt.- Vaishali ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr.Rajesh Ranjan, Adv.
For the State : Mr.Chandra Sen Prasad Singh, APP
For the Informant : Mr. Yugal Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Learned counsel for the petitioner seeks permission to make necessary correction in paragraph 1 of the bail.

Permission is granted.

Heard Mr. Rajesh Ranjan, learned counsel for the petitioner, Mr. Chandra Sen Prasad Singh learned APP for the State and Mr. Yugal Kumar, counsel for the informant.

This is an application for grant of bail to the petitioner who in custody in connection with Jurabanpur P.S. Case No. 71 of 2021 registered for the offence punishable under Sections 304(B), 201 and 120(B) of the Indian Penal Code.

The prosecution case is based on written report filed by the informant alleging therein that the marriage of the



daughter of the informant was solemnized with the son of the petitioner. However, after some time the daughter of the informant subjected to torture on account of non-fulfillment of demand of dowry. It is further alleged that despite assurance given by the informant that he will fulfill the demand of dowry, in the meanwhile, all the accused persons including the petitioner killed his daughter and concealed her dead body.

Learned counsel appearing for the petitioner submits that from the first information report it is evident that all the family members of the husband has been made accused in this case despite the fact that the petitioner along with his wife residing separately from his son and his wife since 25.12.2017 under a partition done by the Gram Kachhahri. In support of aforesaid contention the separation deed dated 25.12.2017 has been brought on record. He further submits that the deceased was living with the son of the petitioner somewhere at New Delhi and in course of pandemic they came to their village. However, in the meantime, on account of some ailment, treatment started but her health started deteriorating and later on she was taken to Om Emergency Hospital, Hajipur, from where she was referred to Patna Medical College Hospital and during the treatment she died. Copies of the medical



prescription has been brought on record. He also submits that the petitioner along with his wife had move this Court for grant of anticipatory bail, but, unfortunately the petitioner was apprehended and as such the present application is filed, however, the wife of the petitioner has been allowed the privilege of anticipatory bail vide order, dated 11.10.2022, in Cr. Misc. No. 26615 of 2022. He lastly submits that the petitioner being father-in-law is in custody since 18.05.2022. The husband of the deceased is behind the jail.

On the other hand learned counsel for the informant vehemently opposed the bail application and submits that there is specific allegation against the father-in-law that he with the help of all the accused persons demanded dowry and in the event of non-fulfillment the deceased was tortured and lastly killed.

Learned counsel for the State also opposed the prayer for bail.

Regard being had to the submissions made on behalf of the parties and considering the materials available on record showing that the petitioner was residing separately with the deceased and her husband and prior to the death of the deceased she was under treatment and there is general and omni



bus allegation against all the accused persons coupled with the period of custody, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of Sushri Anjali Nag, Judicial Magistrate, 1st Class, Vaishali at Hajipur in connection with Jurabanpur P.S. Case No. 71 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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