

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58515 of 2023

Arising Out of PS. Case No.-457 Year-2022 Thana- PAROO District- Muzaffarpur

Deepak Kumar Sahni @ Deepak Kumar, S/O Tusli Sahni, Village-
Bhikhanpur, P.S. Paroo, Distt. Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate
For the Opposite Party/s : Mr. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 10-11-2023 Heard learned counsel for the petitioner and
learned APP for the State.

2. In the present case, the petitioner seeks bail in connection with Paroo P.S. Case No. 457 of 2022 registered for the alleged offences under Sections 341, 323, 304(B), 498(A), 504, 506 and 509/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. As per prosecution case, daughter of the informant was married with the petitioner on 07.05.2021. Allegation against the petitioner and other co-accused persons is that they killed the daughter of the informant on non-fulfillment of their demand of Bullet motorcycle.

4. Learned counsel for the petitioner submits that



the petitioner is innocent and has been falsely implicated in this case. From the FIR, it is clear that the petitioner was not present at the place of occurrence and during the relevant time he was at Tamilnadu. It has also come on record that he had talked with the deceased one hour prior to her death. Same thing was stated by the independent witnesses examined by the police during investigation as is reflected in the paragraphs 29 and 30 of the case diary. Learned counsel further submits that it seems the deceased committed suicide and thereafter, family members have informed the police as well as the informant after her death. Realizing her mistake, the informant had submitted an application dated 23.11.2022 before the learned court below submitting that she does not want to proceed further in this case. Learned counsel further submits that there has been no demand of dowry and no torture or cruelty related dowry. It is a case of suicide without any wrongful act attributed to the petitioner, no offence under Section 304(B) of IPC is made out against the petitioner. The petitioner is in custody since 12.06.2023 after his surrender before the learned court below and charge-sheet has been submitted. Petitioner is having clean antecedent.

5. Learned APP opposes the prayer for bail



submitting that there is direct allegation against the petitioner. He and his other family members used to demand a Bullet motorcycle and non-fulfillment of their demand, they committed dowry death of the daughter of the informant. Learned APP further submits that death was caused due to asphyxia as a result of ante-mortem hanging.

6. Perused the records.

7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the statement of independent witnesses showing that the daughter of the informant might have committed suicide and also considering the possibility of false implication, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, West Muzaffarpur/concerned court in connection with Paroo P.S. Case No. 457 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each



and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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