

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58147 of 2023

Arising Out of PS. Case No.-125 Year-2022 Thana- TELHARA District- Nalanda

SAGAR KUMAR SON OF LATE ANIL CHAUHAN RESIDENT OF VIL-
LAGE AKASHPUR, POLICE STATION TELHARA DISTRICT NALANDA
... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Prasad, Advocate.

For the Opposite Party/s: Mr. Rajendra Prasad Nat, 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 Telhara P.S. Case No. 125 of 2022 dated 16.8.2022 registered for the offence punishable under Sections 304-B and 201/34 of the Indian Penal Code.

3. As per prosecution case, on account of demand of Rs.5,00,000/-, T.V. and Apache motorcycle, the petitioner and other co-accused persons caused dowry death of the daughter of the informant within four months of her marriage. Petitioner is the husband of the deceased.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. There is general and omnibus allegation against



all the accused persons. The marriage of the petitioner and the deceased was love marriage and this fact has come in the written statement of the informant, statement of the mother of the deceased, witnesses and co-villager of the informant. Learned counsel further submits that for personal reason, the daughter of the informant consumed poison and committed suicide. Her last rites took place in presence of informant and his family members and independent witnesses have also certified this fact. It has also come in the statement of the witnesses that the deceased was not happy with the marriage and she wanted divorce from the petitioner and she even fled away from her matrimonial home 20-25 days prior to the occurrence. The petitioner is in custody since 12.1.2023 and charge sheet has been submitted.

5. Learned APP vehemently opposes the submission made on behalf of the petitioner. Learned APP submits that the petitioner and other co-accused persons killed the daughter of the informant within four months of the marriage on account of non-fulfillment of their demand of dowry. However, learned APP concedes in paragraphs



31, 71 of the main case diary and 32 of the supplementary case diary that witnesses have stated about the deceased consuming poison due to differences with the husband.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the possibility of false implication of the petitioner and further considering the period of custody of the petitioner and submission of charge sheet, 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 Sri Sudhanshu Shekhar, learned Judicial Magistrate, 1st Class, Hilsa (Nalanda)/successor court, Hilsa (Nalanda), in connection with Telhara P.S. Case No. 125 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 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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