

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69820 of 2023

Arising Out of PS. Case No.-188 Year-2023 Thana- CHANPATIA District- West Champaran

Kishor Sah Son of Late Ramchandra Sah R/o vill - Pipra, P.S. - Chanpatiya,
Distt. - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Anjali Kumari, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-11-2023 Heard Ms. Anjali Kumari, learned counsel appearing
on behalf of the petitioner and the learned Additional Public
Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Chanpatiya P.S. Case No. 188 of 2023, registered for the
offences punishable under Sections 302/34 of the Indian Penal
Code.

3. The marriage of the daughter of the informant was
solemnized with the son of the petitioner on 02.03.2014, as per
the Hindu rites and rituals. Allegedly, after the marriage, the
daughter of the informant was subjected to demand of dowry
and on account of non fulfillment of the same, she was done to
death, resulting into lodging of the present FIR.

4. Learned counsel appearing on behalf of the



petitioner submits that admittedly the marriage was solemnized on 02.03.2014 and, as such, after this belated stage any demand of dowry does not appear to be reliable. That apart, there is no specific allegation of any overt act against the petitioner, who happens to be father-in-law of the deceased. She further drew the attention of this Court to Annexure – 3 and with reference thereto, she submits that the informant subsequently retracted from his earlier version and by filing the petition dated 02.05.2023, negatived all the allegation. She next submits that even as per the post-mortem report, there is no mark of any violence on the person of the deceased except a ligature mark on the neck and reason of the death is shown to be asphyxia, as a result of hanging. She submits that, in fact on the alleged date of occurrence, on account of some trifle, the informant has committed suicide in a fit of rage. She lastly submits that the petitioner is a senior citizen and a man of fair antecedent and he undertakes that he will fully co-operate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of



allegation and the fact that the informant of the case has retracted from his earlier version, apart from the post mortem report and the fair antecedent, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Chanpatiya P.S. Case No. 188 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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