

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69808 of 2023

Arising Out of PS. Case No.-218 Year-2023 Thana- BARHARA District- Bhojpur

Aditya Sah S/O Bharat Sah R/O Village- Saraiya, P.S- Barhara,
Krishnagarh(O.P.), Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravindra Kumar, Advocate
		Mr. Sandeep Kr. Pandey, Advocate
For the Opposite Party/s :		Mr. Ajay Kr. Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 06-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Barhara (Krishnagarh) P.S. Case No. 218 of 2023 registered for the alleged offences under Sections 498A, 304B and 34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

3. As per prosecution case, petitioner is the husband of the daughter of the informant and allegation against him is that of demanding a gold chain and on non-fulfillment of the said demand, causing dowry death of the daughter of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. From perusal of the FIR, it is clear that marriage was solemnized in the year 2018 and there are a son and a daughter from this marriage. Further, from the FIR, it is apparent that father-in-law of the deceased came to the house of the informant and informed him about the death of his daughter saying that she committed suicide. It shows there was no guilty mind. Learned counsel further submits that the prosecution case is completely false and fabricated and for some reason the daughter of the informant committed suicide and the informant lodged this false case making absurd allegation. Moreover, the allegations are quite general and omnibus against the petitioner and other co-accused persons. Petitioner being the husband of the deceased has become a victim of circumstances. The petitioner is in custody since 16.04.2023 and charge-sheet has been submitted. Petitioner is having clean antecedent.

5. Learned APP opposes the prayer for bail submitting that it is a case of dowry death and the daughter of the informant died in her matrimonial home and there is allegation of demand of gold chain.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of substantive material against the petitioner to connect him



with offence as alleged and further considering the clean antecedent of the petitioner along with his period of custody 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 learned Chief Judicial Magistrate, Bhojpur, Ara/concerned court in connection with Barhara (Krishnagarh) P.S. Case No. 218 of 2023, 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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