

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5393 of 2024

Arising Out of PS. Case No.-412 Year-2023 Thana- CHHATAUNI District- East Champaran

Shyamlal Sah, aged about 27 years, Male Son of Hiralal Sah, Resident of village - Purandarpur, P.S. - Malahi, District - East Champaran at present Resident of village - Bara Bariyarpur, P.S. - Chhatauni, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate

For the Opposite Party/s : Ms. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 15-02-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Chhatauni PS Case No. 412 of 2023 instituted for the offences punishable under Sections 302 and 120(B)/34 of the Indian Penal Code.

3. As per the prosecution case, it is case of dowry death of the daughter of the informant by the petitioner and his family members.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case. From perusal of the case diary, FIR, post mortem report at Annexure-2, Chargesheet at Annexure-3 and the bail rejection order of the learned Sessions Judge, East Champaran, Motihari dated 20.12.2023, it appears that previously the case is registered under Sections 302/120(B)/34 of the Indian Penal Code and after concluding the investigation the Investigating Officer submitted chargesheet under section 304A of the Indian Penal Code but the concerned learned Magistrate/Court deferred the opinion of the Investigating Officer and took cognizance under Section 302 and 120(B)/34 of the Indian Penal Code. From perusal of the post mortem report, it appears that the doctor opined the cause of death cardiac asystole, arrhythmia due to electricutination. Petitioner is in custody since 29.08.2023.

5. Learned APP opposes the prayer for bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner above named be released on bail on 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, Motihari, East Champaran in connection
with Chhatauni PS Case No. 412 of 2023.

(Ramesh Chand Malviya, J)

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