

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22790 of 2024

Arising Out of PS. Case No.-92 Year-2019 Thana- SISWAN District- Siwan

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Pritam Sah S/o Mahesh Sah R/o Village - Bhagwanpur, P.S. - Siswan, Dist. - Siwan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Jha, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

3 04-07-2024 Heard learned counsel for the petitioner as well as learned APP for the State.

2. In this case, the petitioner is seeking regular bail in connection with Siswan P.S. Case No. 92 of 2019, registered for the offences punishable under Sections 304(B)/34 of the IPC and section 3/4 of Dowry Prohibition Act.

3. The informant Vinod Sah lodged F.I.R., stating therein that his niece Jyoti Devi, aged about 35 years, was married to Pritam Sah(the petitioner), eight years prior to lodging of the F.I.R. It has further been alleged that Mahesh Sah(father-in-law), Mina Devi(mother-in-law), Premni Devi(sister-in-law) and Mamta Devi(sister-in-law) of the deceased, used to torture her for non-fulfillment of demand of a



motorcycle. They committed murder of the deceased by strangulation, for non fulfillment of demand of a motorcycle.

4. The learned counsel for the petitioner submits that though it is true that the petitioner is husband of the deceased but he is not named in the F.I.R. The name of four accused persons have specifically been mentioned in the F.I.R with the allegation that they strangled the deceased to death. He has submitted further that the statements of mother and father of the deceased have been recorded in paragraph nos. 64 and 65 of the case diary respectively. They named those persons who have been named in the F.I.R with the allegation that they used to assault the deceased for non-fulfillment of demand of motorcycle. They did not name the petitioner.

5. On the other hand, the learned A.P.P. for the State, Shri Shailendra Kumar has opposed the prayer for bail and submitted that due to mental agony, the name of the petitioner might have been left in the F.I.R. He has submitted further that an independent witness, in paragraph no. 27 of the case diary, has stated that on previous occasions also, the accused persons and this petitioner used to inflict atrocities upon the victim.

6. The petitioner is not named in the F.I.R. Even the father and mother of the deceased did not name him whereas



they have specifically named other co-accused persons.

7. Considering the above-mentioned facts and circumstances, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Siwan in connection with Siswan P.S. Case No. 92 of 2019, subject to the following condition:-

(i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(Nawneet Kumar Pandey, J)

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