

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32422 of 2024

Arising Out of PS. Case No.-306 Year-2023 Thana- KHAIRA District- Saran

Om Prakash Sah, son of Jainath Sah, Resident of Village- Chhota Takiya,
P.S.- Khaira, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Thakur, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 31-07-2024 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The application for grant of bail to the petitioner who is in custody in connection with Khaira P.S. Case No. 306 of 2023 registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code, however after investigation the police has submitted chargesheet under 306 of the Indian Penal Code.

3. Based upon the written report the prosecution alleges that the marriage of the daughter of the informant was solemnized with the petitioner in the year 2016. After the marriage she spent some good time with the petitioner and his family members, however, later on the deceased was subjected



to demand of dowry and on account of non-fulfillment of the same, she was done to death.

4. Learned Advocate appearing on behalf of the petitioner referring to the FIR firstly contended that the marriage was solemnized in the year 2016 and couple blessed with two daughters and one son but the statement of none of the children has been recorded. Moreover, the demand of dowry and torture at this belated stage, does not inspire any confidence. It is further contended that during the course of investigation, it has come that sometime in the year 2018, the deceased eloped with one another person, leading to lodging of the FIR by the father of the deceased bearing Muffasil P.S. Case No. 358 of 2018, the copy of which is marked as Annexure P/2. It is next contended that the statement of the witnesses recorded during the course of investigation also suggest that the deceased wanted to leave with some another person with whom she was in love and only on account of objection raised by the petitioner and his family members, she committed suicide.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application and submits that there is a specific allegation against all the accused persons including the petitioner of demand of dowry,



leading to torture and commission of suicide.

6. Regard being had to the submissions made on behalf of the parties and considering the materials available on record specially the statement of the independent witnesses who have categorically stated that the deceased was eloped with some another person and on account of objection raised by the petitioner and his family members, she committed suicide coupled with the fact that the chargesheet has been submitted and the petitioner has been incarcerated since 22.11.2023, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Saran at Chapra in connection with Khaira P.S. Case No. 306 of 2023, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.



(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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