

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44442 of 2024

Arising Out of PS. Case No.-109 Year-2023 Thana- BANDHUWA KURAWA District- Banka

Bijay Sah @ Vijay Sah Son Of Hari Sah Village- Phaga, Police Station-
Bandhua Kuraba, District -BANKA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee

For the Opposite Party/s : Mr.Amitesh Kumar

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 10-07-2024 Heard learned counsel for the petitioner and learned

APP for the State. Perused the case diary.

2. The petitioner seeks bail in Bandhua Kuraba P.S.
case No. 109 of 2023 instituted for the offences under Sections
304(B) and 34 of the Indian Penal Code.

3. Prosecution allegation, in short, is that the accused
persons including the petitioner physically assaulted and
tortured and thereafter committed murder of the victim due to
non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case.
Charge-sheet has been submitted in this case. The petitioner is
husband of the deceased. There is delay of one day in lodging



of F.I.R. General and omnibus allegation has been made against the petitioner. No specific allegation is alleged against the petitioner. The incident is of 27.12.2023 for which F.I.R. was lodged on 28.12.2023. The deceased committed suicide by hanging. The post-mortem of the deceased has been conducted before lodging of the F.I.R. which creates serious doubt on the prosecution. The petitioner is in custody since 29.12.2023 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. The post-mortem report shows cause of death is asphyxia due to injuries caused by strangulation. The witnesses in the case diary have supported the allegation made in the F.I.R. against the petitioner. Hence, the petitioner does not deserve the privilege of bail.

6. Considering the aforesaid facts and circumstances of the case, the allegation against the petitioner being general and omnibus and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, ***after framing of charge, if not already framed***, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in



connection with Bandhua Kuraba P.S. case No. 109 of 2023.

(Rudra Prakash Mishra, J)

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