

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54958 of 2024

Arising Out of PS. Case No.-80 Year-2023 Thana- TARARI District- Bhojpur

Raju Sah @ Sri Ram Sah S/O Jay Ram Sah @ Jayram Gupta Resident Of
Village- Dhangawan, Ward No. 10, Police Station- Tarari, District- Bhojpur.

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Adv

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 08-08-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Tarari P.S. Case No. 80 of 2023 dated 08.05.2023 registered for the offences punishable u/s 304B read with section 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner and the co-accused persons are alleged to have hanged the informant's daughter to death due to non-fulfillment of demand of Rs. 1,00,000/- as dowry.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is the husband of the deceased. The



petitioner neither demanded any dowry nor tortured the deceased. As per para thirteen of the bail petitioner only one witness has been examined till date There is general and omnibus allegation against the petitioner. Learned counsel for the petitioner has relied upon the judgment of this Court in the case of "**Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182.**" Learned counsel has further submitted that Section 498A of the IPC is triable by the Magistrate. Learned counsel has further relied on the judgments in the case of **Satendra Kumar Antil Vs. Central Bureau of Investigation and Another (2022) 10 SCR 351** and **Md. Asfak Alam Vs. The State of Jharkhand & Anr passed in Criminal Appeal No(s). 2207 of 2023 arising out of Special Leave Petition (CRL.) No. 3433 of 2023**. The petitioner has one antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 09.05.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and submitted that the informant's daughter died within seven years of the marriage. She was subjected to torture due to non-fulfillment of demand of dowry

6. Considering the aforesaid facts and circumstances



of the case and the nature of allegation levelled against the petitioner as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Bhojpur at Ara in connection with Tarari P.S. Case No. 80 of 2023, with a condition/s:-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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