

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54259 of 2024

Arising Out of PS. Case No.-26 Year-2024 Thana- PHULWARISHARIF District- Patna

Sahil Kumar, Son Of Shiv Shankar Das @ Shankar Ram, R/V- Village- Simri Wahpura, P.S.- Bihta, Distt.- Patna At Present Residing At The Rental Home In The H/O- Vikas Kumar At Kurjichak, P.S.- Phulwarisharif, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 25-09-2024 Heard Mr. Diwakar, learned Advocate appearing on behalf of the petitioner and Mr. Ram Sevak Choudhary, learned Additional Public Prosecutor for the State.

2. The application for grant of bail to the petitioner who is in custody in connection with Phulwari Sharif P.S. Case No. 26 of 2024 registered for the offence punishable under Sections 304(B) and 34 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 however, soon after the marriage she 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 by referring to the FIR contended that the narratives made therein clearly suggest that when the deceased was taken to AIIMS, Phulwari Sharif, information was given to the family member of the deceased and the entire incidence was narrated that the deceased committed suicide by hanging herself, but later on, the FIR has been instituted against the petitioner and his handicapped brother. It is next contended that during the course of investigation the statement of independent witnesses have been recorded, specially in paragraph no. 24 and 25, wherein they clearly disclosed that the deceased was not happy with the marriage and on the fateful day she committed suicide, thereafter her dead body was taken to the hospital by the handicapped brother. Save and except the presumption of causing dowry death, there is no material suggesting the complicity of the petitioner. Even if for the presumption there must be some material, but that is lacking in the present case. Be that as it may, now the petitioner is in custody since 06.01.2024 and the chargesheet has already been submitted.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application and submits that within two years of the marriage the deceased was done to death and soon before her death there was a



demand of dowry and, as such, the presumption of dowry death cannot be ruled out.

6. Regard being had to the submissions made on behalf of the parties and considering the statement of the independent witnesses and the post-mortem report which suggest no injury over the body of the deceased and the cause of death is said to be Asphyxia as a result of hanging, 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 Additional Chief Judicial Magistrate-XIV, Patna / Concerned Court in connection with Phulwari Sharif P.S. Case No. 26 of 2024, 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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