

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81814 of 2024

Arising Out of PS. Case No.-314 Year-2018 Thana- DHAKA District- East Champaran

Dharmendra Sah Son of Jeetu Sah @ Jitu Sah Resident of Village - Siswa
Mangal, P.S. -Dhaka Pachpakadi, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-12-2024 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner apprehends his arrest in connection with Dhaka (Pachpakari) P.S. Case No. 314 of 2018, registered for the offences punishable under Section 304(B)/34 of the Indian Penal Code.

3. Allegedly, the marriage of the grand-daughter of the informant was solemnized with the petitioner on 10.03.2016. Soon after the marriage, the victim was subjected to demand of dowry and on account of non-fulfillment of the same, she was done to death by the mother of the petitioner (*Sugandhi Devi*) and sister (*Rinku Kumari*).

4. Learned Advocate for the petitioner referring to the FIR contended that the narrations made in the FIR clearly



suggest that the entire allegation revolves around co-accused *Sugandhi Devi* and *Rinku Kumari*. During the course of investigation, the police submitted charge-sheet against co-accused *Sugandhi Devi* for the offences alleged under Section 306 of the Indian Penal Code and she was put to trial, bearing Trial Case No. 180 of 2020. The learned trial Court, however, having found no charges proved against the co-accused *Sugandhi Devi*, has finally acquitted her vide judgment dated 24.09.2022. The copy of the judgment has been placed on record as Annexure-3 to the bail application. It is also the contention of the petitioner that now the good sense prevailed upon the informant and his family members and the entire matter has been settled, though the offences alleged in the FIR is not compoundable.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that from the impugned order it appears that the petitioner had earlier approached before the learned Sessions Judge way back in the year 2019 and his prayer for bail was rejected vide order dated 15.02.2019. Despite the aforesaid fact, the petitioner was evading his arrest and again approached before the learned Sessions Judge in the year 2024, when the co-accused person



has got acquitted by the learned trial Court.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the offences, as alleged in the FIR, is non-compoundable, besides the FIR was instituted way back in the year 2018 and the petitioner has been evading his arrest, this Court is not acceded to prayer for anticipatory bail.

7. However, if the petitioner surrenders before the Court below, preferably within a period of six weeks, from today, the learned Court below shall consider the case of the petitioner on merit after taking note of the fact that the co-accused person has been acquitted from all the charges, without being prejudiced by the order of this Court.

8. The bail application stands dismissed with the liberty aforesaid.

(Harish Kumar, J)

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