

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3417 of 2025**

Arising Out of PS. Case No.-104 Year-2024 Thana- PARSAUNI District- Sitamarhi

Shambhu Sah S/O Late Ganga Sah Village- Korakargi, P.s.- Parsauni,
District- Sitamahi

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sabal Kumar Jha

For the Opposite Party/s : Mr. Murli Dhar

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

2 05-02-2025 Heard learned Advocate for the petitioner and learned
Additional Public Prosecutor for the State.

2. This is an application for grant of bail to the petitioner, who is in custody in connection with Parsauni P.S. Case No. 104 of 2024 registered for the offences punishable under Sections 80, 238, 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. Based upon the written report, the prosecution alleges that the marriage of the daughter of the informant was solemnised with the son of the petitioner on 11.06.2021. Soon after the marriage, the victim was subjected to demand of dowry and on account of non-fulfillment of the same she was tortured in various ways and finally done to death by all the accused



persons on 17.07.2024. On the information, afore noted, the informant along with others reached to the place of occurrence and they saw that the accused persons were trying to cremate the dead body. However, when the police reached at the place of occurrence, other accused persons succeeded in fleeing away but this petitioner was apprehended at the place of occurrence. The half burnt dead body of the deceased was sent for postmortem.

4. Learned Advocate for the petitioner contended that the petitioner is none else but the father-in-law of the deceased. Even as per the narration made in the FIR, it is evident that the omnibus nature of allegation has been levelled against all the family members. So far the petitioner is concerned, it has come in the FIR that it is the petitioner who had assured that he and all his family members will take care of the deceased. In fact on the alleged fateful day on account of some trifle between the husband and the wife, the deceased committed suicide. Thereafter information was given to her matrimonial home and cremation was going on. He further submits that the petitioner has no concern with the day to day affairs of the deceased and her husband; moreover the husband is behind the bar.

5. On the other hand, learned APP for the State



vehemently opposes the bail application and submits that the death has taken place just within four years of marriage and soon before the death there was a demand of dowry, and torture on account of non-fulfillment of the same; hence, applicability of Section 304(B) of the Indian Penal Code cannot be ruled out.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner is father-in-law of the deceased and has been incarcerated since 18.07.2024; now the investigation is complete and the charge sheet has been submitted, coupled with the omnibus nature of allegation and the fact that the husband is behind the bar, let the petitioner, abovenamed, 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, Sitamarhi in connection with Parsauni P.S. Case No. 104 of 2024, subject to the condition that one of the bailors shall be the own/close family members 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)

Anjani/-

U		T	
---	--	---	--

