

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80956 of 2024

Arising Out of PS. Case No.-188 Year-2024 Thana- KATORIYA District- Banka

Kamal Kishore Sah @ Kamal Kishir Sah, S/O Late Pradip Sah, Resident Of
Village- Suriya Jhajha, P.S- Katoriya, Distt.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Advocate

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 05-02-2025 Heard learned counsel for the petitioner and Mr.
Shahabuddin Azeem @ S. Azeem, learned APP for the State.

2. The petitioner has prayed for bail in connection with
Katoriya P.S. Case No.188 of 2024 instituted for the offence under
Sections 103 and 3(5) of B.N.S.

3. The case of the prosecution is that the daughter of the
informant was married to the petitioner in the year 2022. She was
kept properly for few years. After that, the petitioner and Lakhiya
Devi (mother-in-law) started subjecting to cruelty as she was
having no issue. It is further alleged that the petitioner has
demanded cash for treatment of the daughter of the informant. He
has also demanded Rs. 1lakh for the treatment of the daughter of
the informant. On 22.08.2024, the informant came to know that his
daughter has been killed. When he went the matrimonial house of



his daughter, he found that his daughter was lying dead on a cot and her face was covered with a sheet. When he removed the sheet, he found that his daughter was lying dead and there was ligature mark on her neck and abrasion on left side. He called on 112. After this, Katoriya Police reached there.

4. It is submitted by learned counsel for the petitioner that petitioner is innocent and has committed no offence. He has been falsely implicated in the present case. It is further submitted that admittedly it is not a case of dowry death. From perusal of the para-4 of diary, it transpires that the informant has himself called the police by calling on 112 and has stated that he will not give any statement at the place of occurrence rather he will file his written application after postmortem and consulting his family members. Learned counsel for the petitioner has relied on this material and has stated that this case is a result of afterthought speculation of the informant. It has also been submitted that witnesses have also stated specifically in para-15 that as the deceased was having no issue, there was some dispute between the husband and wife. From perusal of the postmortem report, it is clear that the doctor has found a superficial ligature mark present on right side of neck of the deceased and has also found a lacerated wound present below left side of mandible length-8 Inch, width-1/2". No other external injury present over any other part of body.



The cause of death has not been mentioned by the doctor rather opinion is reserved as viscera has been preserved. A statement has been made in para-3 of the petition that the petitioner has got no criminal antecedent. He is languishing in judicial custody since 30.08.2024.

5. Learned APP appearing for the state has opposed the prayer of regular bail and submitted that from perusal of the postmortem report, it is clear that apart from the superficial ligature mark, there was a lacerated wound present below left side of mandible measuring 8"x 1/2".

6. Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail at this stage and, as such, his prayer for bail stands rejected.

7. Petitioner will be at liberty to renew his prayer for bail after six months, if so advised.

(Ashok Kumar Pandey, J)

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