

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90079 of 2024

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

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Amar Sah, S/o- Mahindra Sah @ Mahendra Sah, Resident of village- Kora
Kharagi PS- Parsauni District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Pushpendra Kumar Singh, Adv.
		Smt. Divya Bharti, Adv.
For the Opposite Party/s :		Ms. Anita Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 28-02-2025 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. Allegedly, the marriage of the daughter of the informant was solemnized with Shambhu Sah 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 co-accused Shambhu Sah was apprehended by the police. The half burnt dead body of the deceased was sent for postmortem.

4. Learned Advocate for the petitioner contended that admittedly, there is no specific allegation of either demand of dowry or torture against the petitioner. Even, if the allegation taken to be true, for the sake of argument, it is only alleged that the petitioner was found indulge in surreptitiously cremating the dead body and when the informant and others reached there, the petitioner along with others tried to assault them. The petitioner is not the family members of the accused persons and only on account of the fact that he was present at the cremation ghat along with other accused, his name has been implicated in this case. Moreover, co-accused Shambhu Sah, who was present at the cremation ghat and apprehended by the police with identical allegation, has been allowed the privilege of bail by this Court in Cr. Misc. No. 3417 of 2025 vide order dated 05.02.2025. Moreover, the petitioner has been incarcerated since 23.09.2024 having no criminal antecedent.



5. On the other hand, learned APP for the State vehemently opposed the bail application and submitted that the materials speak loudly about the complicity of the petitioner in the present crime, apart from there is specific allegation of causing assault to the informant and others by means of bamboo.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the fact that other co-accused person having identical allegation has been allowed the privilege of bail as also the fair antecedent of the petitioner and his period of custody, 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 Chief Judicial Magistrate, 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.

(Harish Kumar, J)

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