

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27821 of 2015

Arising Out of PS.Case No. -239 Year- 2014 Thana -PHULWARI District- PATNA

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1. Deepu Kumar S/o Satya Narayan Rai R/o village - Faridpur, P.S.
Fulwarisharif Janipur, Distt. - Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Prasad

For the Opposite Party/s : Mr. H.A.Khan(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

4 02-11-2015 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Phulwari Sharif (Janipur) P.S. Case No. 239 of 2014 registered for the offences punishable under Sections 498A, 307 of the Indian Penal Code but the charge sheet has been submitted under Section 304(B), 201 IPC.

The petitioner being the husband of the informant, assaulted her and after pouring kerosene oil, put fire on her thereafter she raised alarm and thereby people came and put off fire. However, the petitioner brought her at P.M.C.H. where her mother-in-law and *nanad* also came and after informing the mother and other *Naihar* people of the informant they went away

and thereafter she was brought by her mother at Maurya Hospital, New Jaganpura, Patna. She also stated that she was married two years ago and she was pleased with a female child and her husband always used to assault her.

Submission is of false implication and that as a matter of fact no occurrence had taken place, as alleged in the F.I.R., the petitioner tried his best to save the life of the informant and brought her to P.M.C.H. for treatment and thereafter the mother of the informant started making illegal demand which was resisted and then the case has been lodged, resulting the petitioner is suffering in custody since 11.06.2014. Chargesheet has already been submitted and charges have also been framed and, as such, the petitioner deserves sympathetic consideration to which the learned A.P.P. opposes the prayer of bail by submitting that during course of treatment the informant died.

In the facts and circumstances stated above, considering that the informant was brought to the Hospital for treatment by the petitioner. Chargesheet has already been submitted. Trial is in progress and there is no chance of tampering with prosecution evidence and, as such, the petitioner above named, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount

each to the satisfaction of the Learned Additional Sessions Judge II, Patna arising out of Phulwari Sharif (Janipur) P.S. Case No. 239/14 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

sushma/-

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(Jitendra Mohan Sharma, J)