

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29008 of 2015

Arising Out of PS.Case No. -77 Year- 2013 Thana -CHAKAI District- JAMUI

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1. Ashok @ Ashok Yadav @ Tahal Yadav Son of Bhairo Yadav, Resident of Village Pratappur, P.S. Chakai, District Jamui.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar

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

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

5 06-11-2015 Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner seeks bail in connection with Chakai P.S. Case No. 77 of 2013 registered for the offence punishable under Sections 328, 304B/34 of the Indian Penal Code.

Anju Devi the daughter of the informant was married with the petitioner on 15.05.2009. Allegedly, due to demand of dowry she was being tortured and ultimately she was poisoned to death by the petitioner and other FIR named in-laws.

Submission is of false implication and that the petitioner and his wife were living happy conjugal life without any disturbance and dispute. They have got no issue resulting she was suffering from depression and in depression she died. Several



villagers have filed application in this regard to Director General of Police, Bihar and also made request to do justice, other co-accused have been allowed pre-arrest bail and against the petitioner also there is no specific allegation, in post mortem examination no external injury has been found, in chemical examination of viscera no poison could be detected and as such the petitioner deserves sympathetic consideration who is suffering in custody since 14.05.2015 having no criminal antecedent and chargesheet has already been submitted and there is no chance of tampering with prosecution evidence.

Learned APP opposes the prayer of bail by submitting that the petitioner is the husband.

In the facts and circumstances stated above, considering that in post mortem report no external injury has been found on the body of the deceased and further in chemical examination of viscera no Metallic, Alkaloidal, Glycosidal, Pesticidal or Volatile poison could be detected and chargesheet has already been submitted, 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 Sri S.C. Kumar, Judicial Magistrate Ist Class, Jamui in connection with Chakai P.S. Case No. 77 of 2013,

subject to the conditions that one of the bailors must be a 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.

(Jitendra Mohan Sharma, J)

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