

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32864 of 2015

Arising Out of PS.Case No. -295 Year- 2014 Thana -RAHUI District- NALANDA
(BIHARSHARIFF)

=====

1. Eliphiston Prasad Son of late Jogendra Prasad resident of village- itasang,
Police Station Rahuli, Distt Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rabindra Prasad Singh

For the Opposite Party/s : Mr. Md.Ashlam Ansari (App)

=====

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

ORAL ORDER

4 23-11-2015

Heard the learned counsel for the petitioner as well as
the learned A.P.P.

The petitioner seeks bail in a case for the offences
punishable under section 304 (B) of the I.P.C

Allegedly, Jantu Kumari, daughter of the informant,
was married with the petitioner in the year 2012 and due to non
fulfillment of demand of Rs. 70,000/- for motorcycle she was
being tortured and ultimately she was killed.

Submission is of false implication and that during
investigation only the female members of the informant have
supported the allegation, whereas, the independent witnesses have
stated that the petitioner used to take drink which was being

opposed by his wife and for that there was quarrel resulting the wife of the petitioner committed suicide by hanging herself. The Investigating Officer has also found the same vide paragraph- 5 of the case diary and the independent witnesses vide paragraph- 23 to 30 have stated regarding the suicide committed by wife of the petitioner and the doctor conducted postmortem examination has also found the cause of death 'Asphyxia' caused by hanging and no external injury has been found.

The learned A.P.P. opposes prayer for bail by submitting that the petitioner is husband.

In the facts and circumstances as stated above, considering that the independent witnesses have stated regarding suicide committed by wife of the petitioner and the doctor has also found the cause of death 'Asphyxia' caused by hanging and further charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M. Nalanda at Biharsharif in Rahui P.S. Case No. 295 of 2014, 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)

Abhay/-

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