

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35154 of 2015

Arising Out of PS.Case No. -71 Year- 2014 Thana -JAYNAGAR District- MADHUBANI

Nawal Kamat, Son of Mahendr Kamat, R/o Village - Balapatti, P.S. -
Jainagar, District - Madhubani.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr. Pushpa Sinha 2(App)

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

6 21-12-2015 Heard learned counsel for the petitioner and
learned A. P.P. representing the State.

Supplementary affidavit has been filed on behalf of
the petitioner annexing the copy of the statement of P.Ws 1 to 11
examined in Session Trial No. 114/2015 which has been taken on
record.

The petitioner seeks bail in connection with
Jainagar P.S. Case No. 71 of 2014 registered for the offences
punishable under Sections 304(B), 498(A)/34 of the Indian
Penal Code.

Jiwachhi Devi, daughter of the informant, was
married to petitioner and due to non-fulfillment of demand of
dowry by way of she buffalo and half bhar gold started
torturing her and ultimately, the petitioner and other in-laws

killed her by pressing her neck.

Submission is of false implication and that the informant lodged this case after being instigated by some enemies of the petitioner, but now realizing the truth has not supported the prosecution case, when he has been examined as P.W.10 in Session Trial No. 114/2015. Altogether, eleven witnesses have been examined, but none has supported the prosecution version and as such the petitioner who is suffering in custody since 30.05.2014 deserves sympathetic consideration.

Learned A.P.P. fairly submits that now the informant and other witnesses have not supported the prosecution case.

In the facts and circumstances stated above, considering that informant and other witnesses have not supported the prosecution case and as such, the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned 3rd Addl. Sessions Judge, Madhubani in Sessions Trial No. 114 of 2015 arising out of Jainagar P.S. Case No. 71/2014, 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

(Jitendra Mohan Sharma, J)

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