

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35965 of 2015

Arising Out of PS.Case No. -109 Year- 2014 Thana -KOTWA District-
EASTCHAMPARAN(MOTIHARI)

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1. Sangesh Kumar Giri Son of Late Jai Narayan Giri resident of village -
Rajapur Mathiya, P.S. Kotwa, District - East Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nikhil Kr. Agrawal, Advocate
Mr. Santosh Kumar Giri

For the Opposite Party/s : Mr. Surendra Pd.Singh(App)

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

ORAL ORDER

3 24-11-2015 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner seeks bail in connection with Kotwa P.S.
Case No. 109 of 2014 registered for the offences punishable under
Sections 304B/34 of the Indian Penal Code.

Vibha Devi the daughter of the informant was married
with the petitioner in the year 2012 and due to non-fulfillment of
demand of four wheeler she was being tortured and ultimately she
was burnt and during treatment she died in the way to Patna. It is
also stated that the daughter of the informant gave her statement
before Police Officer, Chatauni Police Station at Rahmaniya
Hospital at Motihari where she was firstly admitted.



Submission is of false implication and that the wife of the petitioner was pressurizing to keep her at the place of his posting as the petitioner was a constable in Indian Army Force at the relevant time to which the petitioner was not agreed as he was not allotted quarter and due to that reason the wife of the petitioner burnt herself and the petitioner tried to save her in which he also received injury. The petitioner and his family members brought her at Rahmaniya Medical Centre at Motihari where she was treated and she having 90 % burn injury was not in a position to state but the informant with oblique motive maneuvered the alleged statement of the wife of the petitioner. The petitioner is in custody since 14.06.2014 having no criminal antecedent. Chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

Learned APP opposes the prayer of bail.

In the facts and circumstances stated above, considering that the petitioner and his family members brought the daughter of the informant at Rahmaniya Hospital at Motihari for treatment and chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, 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 Xth, East Champaran at Motihari in Sessions Trial No. 28 of 2015 arising out of Kotwa P.S. Case No. 109 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.

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(Jitendra Mohan Sharma, J)

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