

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27149 of 2015

Arising Out of PS.Case No. -11 Year- 2015 Thana -BIRAUL District- DARBHANGA

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1. Surendra Kumar Son of Ganesh Mahto Resident of village - Bishanpur,
P.S. Mufassil, District - Samastipur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kumar

For the Opposite Party/s : Mr. Bharat Bhushan(App)

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

3 13-10-2015 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

Petitioner seeks bail in connection with Biraul P.S.
Case No. 11 of 2015 registered for the offences punishable under
Section 304-B/34 of the Indian Penal Code.

Kanak Kumari, the sister of the informant was married
in May, 2006 to the petitioner and after marriage the sister of the
informant was being tortured by the petitioner and his family
members. Out of the wedlock, there is a son aged 6 years and a
daughter aged four years. The sister got job as A.N.M. on contract
and started living at Supaul which was not liked by the petitioner
and further the petitioner took away her entire salary and also tore
her admit card and then it was informed by Sushila Kumari,

another A.N.M. that his sister has committed suicide by hanging or the petitioner has hanged her.

Submission of if false implication and that the petitioner was arrested on 17.01.2015. From Para-21 of the case diary, it reveals that the police got rumor that one woman has committed suicide after hanging. The petitioner is not involved in the crime. He found his wife un-conscious and then he brought her at Primary Health Centre, Biraul where doctor declared her dead, which is evident from Para-29 of the case diary which is statement of the petitioner. From the statement of Sushila Kumari, vide Para No. 35 of the case diary, it also reveals that the wife of he petitioner committed suicide due to earlier altercation took place between the petitioner and his wife. Chargesheet has already been submitted under Section 302 IPC and there is no chance of his absconding or tampering with the prosecution evidence and, as such, the petitioner deserves sympathetic consideration to which learned A.P.P. opposes.

In the facts and circumstances stated above, 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 Sub-Divisional Judicial Magistrate, Biraul at Benipur arising out

of Biraul P.S. Case No. 11 of 2015 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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