

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28403 of 2015

Arising Out of PS.Case No. -69 Year- 2014 Thana -KATRAHA District- VAISHALI(HAJIPUR)

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Braj Bhushan Singh Son of Anand Mohan Singh resident of Village - Chandwara, Police Station - Kartahan in the district of Vaishali.

.... Petitioner.

Versus

The State of Bihar.

.... Opposite Party.

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Appearance :

For the Petitioner/s : Mr. Sushant Kumar, Advocate

For the Opposite Party/s : Mr. Braj Kishore Prasad (A.P.P.)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 16-10-2015 Heard 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 Sections 302 and 201/34 of the I.P.C.

Priyanka Kumari sister of the informant was married with the petitioner in the year 2002. On 05.09.2014, when the informant went to see his sister at village Chandwara, saw the petitioner bearing UTARI, and when asked the reason, he abused him and replied that his sister died on 04.09.2014. Further, Sneha Kumari aged about 10 years, the daughter of his sister told him that her mother died and the petitioner and others made the dead body traceless.

Submission is of false implication, the informant and his family members were demanding money to which the



petitioner and his family members did not agree and then the informant lodged the case. The daughter of the petitioner aged about 10 years has specifically stated that her mother died. There is no allegation for demanding dowry or torturing the deceased. The petitioner is suffering in custody since 06.09.2014, whereas other co-accused have been allowed bail, and as such, the petitioner also deserves sympathetic consideration as nothing has come during investigation that the petitioner killed his wife.

The learned A.P.P. fairly submits that during investigation the statement of daughter of the petitioner has not been recorded who was able to reveal the truth.

In the facts and circumstances as stated above, considering that 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 Sri Afjal Alam, learned Judicial Magistrate 1st Class, Vaishali at Hajipur in connection with Kartahan P.S. Case No. 69 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 privileged of bail.

(Jitendra Mohan Sharma, J.)

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