

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45403 of 2015

Arising Out of PS.Case No. -42 Year- 2015 Thana -BELA District- SITAMARHI

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1. Md. Tahir, son of Late Md. Muslim, Resident of village- Basbariya, P.S.-
Bela, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Ram Chandra Singh (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

3 01-12-2015 Heard learned counsel for the petitioner and learned counsel
representing the State.

The petitioner seeks bail in connection with Bela P.S. Case
No. 42 of 2015 registered for the offence punishable under Sections
341, 323, 326, 307, 498A/34 and 302 of the Indian Penal Code.

Allegedly, Rubi Pravin the daughter of the informant was
married with Md. Guddu the son of the petitioner eight years ago and
on the ground that the daughter of the informant was responsible for
fleeing away of her Nanad, the petitioner and his wife used to assault
her and lastly brunt her who later on died.

Submission is of false implication and that the deceased
died due to accidental burn injury and the informant after realizing the
truth has filed affidavit in the court below in this regard and now is not
supporting earlier version. The petitioner is in custody since

04.04.2015, chargesheet has already been submitted and there is no chance of tampering with prosecution evidence as such he deserves sympathetic consideration to which the learned APP opposes by submitting that against the petitioner there is serious allegation for burning the daughter of the informant.

In the facts and circumstances stated above, considering that now the informant is retracting from his earlier version stating innocence of the petitioner, chargesheet has already been submitted and there is no chance of tampering with 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 learned Chief Judicial Magistrate, Sitamarhi in connection with Bela P.S. Case No. 42 of 2015, 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)

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