

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49125 of 2014



Arising Out of PS.Case No. -597 Year- 2013 Thana -SASARAM NAGAR District- SASARAM
(ROHTAS)

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Raju Kumar S/o Ganesh Mahto R/m - Pathan Toli, P.S. - Shasharam
(Town), Distt. Rohtas.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s :

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL ORDER

2 20-02-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in G. R. No. 1159 of 2013
arising out of Sasaram (Town) P.S. Case No. 597 of 2013 dated
10.06.2013 instituted under Sections 304B of the Indian Penal
Code and 3/4 of the Dowry Prohibition Act.

Earlier prayer for bail of the petitioner had been
rejected on 25.03.2014 in Cr. Misc. No. 394 of 2014.



Learned counsel for the petitioner submits that the fact that the victim was married for less than two years itself goes to show that the time was too insufficient to become inpatient and kill the victim for dowry. It is further submitted that in fact the petitioner had got the victim admitted to a college for which he had also deposited a fee of Rs. 10,000/- and further that the petitioner being a dwarf whereas his wife being fair and beautiful could not accept such fact, and out of depression, she committed suicide. Learned counsel has referred to the postmortem report which does not show any other mark except for ligature on upper part of neck on the body and the death is said to have been by hanging. Learned counsel submits that it is a case of suicide as the door of the room was closed and people entered through window to bring out the body. Learned counsel further submits that had the petitioner and his family members committed the crime, there would have been signs of resistance of the victim which would have appeared on the body and found in the postmortem report but no such report is there. It is submitted that the petitioner having clean antecedent is in custody since 10.06.2013.

Learned A.P.P. opposes the prayer for bail.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the

petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sasaram in G. R. No. 1159 of 2013 arising out of Sasaram (Town) P.S. Case No. 597 of 2013. The petitioner shall cooperate in the trial and be present before the Court on each and every date. Failure to do so on two consecutive dates, without sufficient cause, shall lead to cancellation of his bail bonds.

(Ahsanuddin Amanullah, J)

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