

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25453 of 2015

Arising Out of PS.Case No. -38 Year- 2015 Thana -PAKARIBARAW District- NAWADA

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1. Ram Keshwar Prasad Son of Late Sardaru Mahto, Resident of Village-
Poksi, P.s.- Pakribarawan, Distt- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma

For the Opposite Party/s : Mr. Pushpa Sinha-Ii(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

3 08-10-2015 Heard the learned counsel for the petitioner, the
learned A.P.P as well as learned counsel for the Informant.

The petitioner seeks bail in a case for the offences
punishable under sections 304 (B)/34 of the I.P.C

Dauli Kumari daughter of the informant was married
with Sushil Kumar, son of the petitioner in the year 2011 and she
gave birth of a daughter and due to non fulfillment of demand of
motorcycle and cash of Rs. 2,00,000/- by way of dowry she was
burnt and brought to Sadar Hospital, Nawada for treatment where
she narrated about the occurrence to the informant and thereafter
the informant was carrying his daughter to Patna for better
treatment but in the way she succumbed to the injury.

Submission is of false implication and that due to

pouring colour and other articles there was altercation between the husband and wife and when she was cooking she was burnt. The postmortem report also reveals that the deceased died due to flame burning. The petitioner is an old father-in-law and he deserves sympathetic consideration as the mother-in-law has already been allowed pre-arrest bail by coordinate Bench of this Court.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that within four years of marriage the deceased was burnt causing her death. The postmortem report reveals that whole body was burnt and the witnesses have supported the allegation and further the deceased before her death in Sadar Hospital, Nawada has narrated as to how she was burnt.

In the facts and circumstances as stated above, considering that the petitioner is in custody since 23.03.2015, charge sheet has already been submitted and he is father-in-law and there is no chance of tampering with the prosecution evidence, her husband is already in custody 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 C.J.M. Nawada in Pakriwarawan P.S. Case No. 38 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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