

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28223 of 2015

Arising Out of PS.Case No. -110 Year- 2014 Thana -EKMA District- SARAN

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1. Hridya Pathak S/o late Parshuram Pathak R/o village Pachuan, P.s Ekma,
District Saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harsh Singh

For the Opposite Party/s : Mr. Mukesh Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

4 11-12-2015 Heard the 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

Lakshmi Devi, the daughter of the informant, was
married with the petitioner on 14.05.2003 and for not fulfilling the
demand of dowry she was being tortured and further the petitioner
developed illicit relationship with Kiran Devi and ultimately the
petitioner and other co-accused killed the daughter of the
informant and made the dead body traceless.

Submission is of false implication and that there is
vital contradiction in the further statement of the informant from
the written report. The wife of the petitioner was having cordial



relation with the petitioner and out of the wedlock there is son and daughter, never any demand was made and the allegation of having illicit relationship is completely false and malicious. The police has not conducted fair investigation, not a single independent witness has come forward and all the witnesses are hear-say. The wife of the petitioner received burn injury due to accidental fire and the informant was informed and then the informant and his family members came for participation in cremation and at the time of cremation the informant started demanding some money and due to non fulfillment informed the police resulting the petitioner and his family members escaped after abandoning the dead body. Charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence. In the trial three prosecution witnesses have been examined and they have not supported the prosecution version. The petitioner is suffering in custody since 19.08.2015 and as such he deserves sympathetic consideration.

The learned A.P.P. opposes prayer for bail but fairly submits that charge sheet has already been submitted and as submitted by the learned counsel for the petitioner, the trial is going on.

In the facts and circumstances as stated above,

considering the submission that three prosecution witnesses have not supported the prosecution case and in near future trial is not likely to be concluded and there is no chance of tampering with the prosecution evidence and as such the petitioner above named 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 Additional Sessions Judge-IX, Saran in Sessions Trial No. 626 of 2014 arising out of Ekma P.S. Case No. 110 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 privilege of bail.

(Jitendra Mohan Sharma, J)

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