

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27859 of 2015

Arising Out of PS.Case No. -179 Year- 2014 Thana -PATEPUR District- VAISHALI(HAJIPUR)

1. Jagdeo Rai Son of Sipahi Rai resident of village - Mahya Malpur, P.S. Patepur, District - Vaishali

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Singh

For the Opposite Party/s : Mr. Md. Aslam Ansari(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 15-10-2015 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner seeks bail in connection with Patepur P.S. Case No. 179 of 2014 registered for the offence punishable under Section 304B of the Indian Penal Code.

Usha Devi the daughter of the informant was married with the petitioner in the year 2002 and from the wedlock there is one daughter Poonam Kumari aged 8 years and two sons aged 6 years and 4 years. The daughter of the informant was being tortured physically by the petitioner and others due to non-fulfillment of demand of motorcycle and cash. On 05.12.2014 the petitioner and others forcibly administered poison to her causing her death during treatment.



Submission is of false implication and that there was cordial relation between the petitioner and his wife and three children born, the deceased died due to illness and there was no demand of dowry and the children have not been examined who were competent to reveal the truth, without any proper investigation chargesheet has been submitted under Sections 302/34 of the Indian Penal Code. There is no post mortem report and in the inquest report which is recorded in para 3 of the case diary no external injury on her body has been found which itself falsifies the entire prosecutions story. The petitioner is in custody since 07.12.2014.

Learned APP opposes the prayer of bail by submitting that the petitioner is the husband and there is general allegation against him.

In the facts and circumstances stated above, considering that marriage has taken place ten years ago and there are three children out of the wedlock, in inquest no external injury has been found on the body of the deceased, as such, considering the period of detention, 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 the learned Sub Divisional Judicial Magistrate, Vaishali at Hajipur in

connection with Patepur P.S. Case No. 179 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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