

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47969 of 2015

Arising Out of PS.Case No. -493 Year- 2009 Thana -SAMASTIPUR District- SAMASTIPUR

1. Sakaldeo Paswan S/o Munshi Paswan, Resident of village- Chakdharia,
P.S.- Samastipur (Muffasil), District- Samastipur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad

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

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
Samastipur P.S. Case No. 493 of 2009 registered for the offences
punishable under Sections 304B, 201, 120B of the Indian Penal
Code.

Shrawni Devi the daughter of the informant was
married with the petitioner on 28.12.2008 and thereafter, the
petitioner went away to Delhi after leaving his wife and on
27.05.2009 the accused persons assaulted her and then she went to
the house of her sister but from there the accused persons brought
her and strangled to death and also cremated the dead body.

Submission is of false implication and that this case



has been lodged on the basis of complaint petition, the informant in her further statement has stated that the petitioner was not present and he was at Delhi at the time of occurrence vide paragraph 5 of the case diary, other witnesses vide paragraph 9, 18 have stated that the deceased was suffering from illness and she was being provided medicines by in-laws but she died. The petitioner is suffering in custody since 26.08.2015 having no criminal antecedent. In this case chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence

Learned APP opposes the prayer of bail by submitting that this case is of the year 2009 and the petitioner remained absconding.

In the facts and circumstances stated above, considering that in this case chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and further considering that informant in her further statement has stated that at the time of occurrence the petitioner was at Delhi, 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 Chief Judicial Magistrate, Samastipur in

connection with Samastipur Town (Muffasil) P.S. Case No. 493 of 2009, 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.

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(Jitendra Mohan Sharma, J)

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