

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28287 of 2015

Arising Out of PS.Case No. -500 Year- 2014 Thana -BANKA District- BANKA

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1. Suraj Sah @ Suraj Kumar Sah son of Subodh Sah residence of village - Barahat, P.S. - Barahat, District - Banka.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prahalad Kumar Bhagat

For the Opposite Party/s : Mr. Smt. Asha Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

7 16-12-2015

Heard the learned counsel for the petitioner as well as the learned A.P.P.

The petitioner seeks bail in a case for the offence punishable under section 304 B/34 of the I.P.C

Jyoti Kumari, the sister of the informant, was married with the petitioner on 11.07.2013 and thereafter there was operation at the time of delivery resulting Jyoti Kumari became very weak and her child died, but after some time the in-laws brought her back after performing Bidagari and due to non fulfillment of demand she was killed by the petitioner and other in-laws and there was ligature mark of rope on her neck.

Submission is of false implication and that there was cordial relation between the petitioner and his wife and due to good relation the deceased gave birth of a child but the child died and she became very weak and was living in depression and

ultimately she committed suicide by hanging herself but the informant with oblique motive lodged this false case. The doctor has found cause of death cardio respiratory arrest due to Asphyxia and the petitioner is suffering in custody since 18.12.2014 having no criminal antecedent, charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. opposes prayer for bail by submitting that the petitioner is the husband.

In the facts and circumstances as stated above, considering the postmortem report and further that charge sheet has been submitted and there is no chance of tampering with the prosecution evidence, 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. Banka in Banka (Barahat) P.S. Case No. 500 of 2014/ G.R. No. 2207 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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