

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38085 of 2014

Arising Out of PS.Case No. -92 Year- 2013 Thana -KHUSRUPUR District- PATNA

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1. Sanjay Kumar S/o Late Shadhusharan Singh R/o Village - Kayampur,
P.S. - Khushrupur, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Sinha

For the Opposite Party/s : Mr. Ahmad Ali(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

4 16-02-2015 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 324, 307 and 306, 34 of the I.P.C and
section 3/4 of Dowry Prohibition Act.

The deceased Sanju Devi was married earlier with the
elder brother of the petitioner ten years ago and after death of elder
brother just after one year the deceased was married with the
petitioner and due to non fulfillment of demand of Rs. 50,000/-
cash and motorcycle as dowry she was subjected to torture and
harassment for which Complaint Case No. 604 of 2007 under
section 498 I.P.C. and section 3/4 of Dowry Prohibition Act was
also lodged and thereafter Sanju Devi was brunt to death.



Submission is that the police after completing investigation has submitted charge-sheet under section 306 I.P.C. and it has come that the deceased herself committed suicide. Several witnesses have supported these versions and earlier also she had tried to burnt herself but at that time she was saved. Petitioner is suffering in custody since 21.12.2013 and now there is no chance of tampering with the prosecution evidence as charge-sheet has already been submitted.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer for bail by submitting that the petitioner was harassing her and for that earlier also a case was lodged and ultimately the petitioner and others killed the deceased due to non fulfillment of demand of dowry. The petitioner has also arranged second marriage with the daughter of one Dayanand Singh in Baikunthpur Temple and due to that the deceased was killed.

Considering the submissions urged at the bar, going through the records and noticing that charge-sheet has been submitted under section 306 I.P.C. and now there is no chance of tampering with the prosecution evidence and as such considering detention of the petitioner now he 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 A.C.J.M. Patna City, District- Patna in Khusrupur P.S. Case No. 92 of 2013, 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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