

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28644 of 2015

Arising Out of PS.Case No. -136 Year- 2013 Thana -SAKRA District- MUZAFFARPUR

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1. Nandan Ram Son of Shivbalak Ram Resident of Village - Baruadih, P.S.
- Sakra (Bariyarpur O.P.), District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Tondon

For the Opposite Party/s : Mr. Satyendra Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 27-10-2015 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

Petitioner seeks bail in connection with Sakra
(Bariyarpur O.P.) P.S. Case No. 136 of 2013 registered for the
offences punishable under Sections 304-B, 201 and 34 of the
Indian Penal Code.

The petitioner being the husband of the daughter of the
informant due to non-fulfillment of demand of dowry by way of
Rs. 50,000/- along with other co-accused killed her and cremated
the dead body. The F.I.R. has been registered on the basis of
written application dated 25.03.2013 addressed to Senior Police
Officer, Muzaffarpur.

Submission is of false implication and that for the



occurrence of 23.03.2012 written application was filed on 25.03.2013. The father-in-law and mother-in-law have been granted pre-arrested bail and during investigation, from the statement of independent witnesses vide Para 11, 12 and 13 it has come out that when the wife of the petitioner was cutting grass she was found dead in the field due to biting of poisonous insect to which the learned A.P.P. opposes by submitting that due to mistake of pen the occurrence has been stated to be of 23.03.2012 as a matter of fact the occurrence is of 23.03.2013 which is evident from further statement of the informant in Para-4 and, as such, the petitioner being the husband does not deserve bail.

In the facts and circumstances stated above, considering that independent witnesses are stating otherwise as stated above, Chargesheet has already been submitted 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 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, Muzaffarpur arising out of Sakra (Bariyarpur O.P.) P.S. Case No. 136 of 2013 subject to the conditions that one of the bailors must be 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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