

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26406 of 2015

Arising Out of PS.Case No. -323 Year- 2014 Thana -TEGHRA District- BEGUSARAI

=====

1. Bipin Roy son of Sri Shankar Roy resident of village Mushahri , P.S. Teghara, District. Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh

For the Opposite Party/s : Mr. A.L.Pandit (App)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 12-10-2015 Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner seeks bail in connection with Teghra P.S. Case No. 323 of 2014 registered for the offence punishable under Sections 302/34 of the Indian Penal Code.

Anita Devi the daughter of the informant was married six years ago with the petitioner and out of wedlock there are two children who are aged about 3 and 1 years respectively. On 27.09.2014 it was heard that Anita Devi is lying in burnt condition in the Dencha maize field of Ranbir Rai, one jerkin of kerosene oil and one slipper was lying by her side. Marriage between Anita Devi and the petitioner was love marriage as such the informant claimed that her daughter has been murdered by anyone.



Submission is of false implication and that during investigation the names of the petitioner and his father have been implicated, statement recorded under Section 164 Cr.P.C. is nothing but development. The father of the petitioner has already been allowed bail by a co-ordinate Bench of this Court. Chargesheet has already been submitted and admittedly, the petitioner was not at the house as he was working as labourer. There is no chance of his absconding and there is nothing on the record to show that dowry was demanded.

Learned APP opposes the payer for bail by submitting that during investigation it has come that the petitioner started demanding rupees one lac as dowry and for that the deceased was being assaulted and lastly she was murdered and her dead body was thrown in the field. During investigation the witnesses have supported the case of prosecution. In post mortem 96 % burn injury has been found.

In the facts and circumstances stated above, considering that in the FIR there is no allegation for demanding dowry and further no allegation has been alleged against the petitioner and as chargesheet has already been submitted there is no chance of tampering with prosecution evidence, 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, Begusarai in connection with Teghra P.S. Case No. 323 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)

avin/-

U		T	
---	--	---	--