

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26258 of 2013

Arising Out of PS.Case No. -36 Year- 2012 Thana -ISUAPUR District- SARAN

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Upendra Singh, S/o Sudama Singh, Resident of Village- Dhama Parsa,
Police Station- Isuapur, District- Saran At Chapra.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ram Binod Singh, Adv.

For the Opposite Party : Mr. Satyendra Nr.Singh (App)

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

5 01-04-2015 The wife of the petitioner died on 2.4.2012 for which Ishuapur P.S. Case No.36 of 2012 was registered against the petitioner and others alleging offences punishable under Sections- 304(B) and 201/34 of I.P.C. The petitioner was arrested on 24.12.2012. He filed B.P. No.393 of 2013, in the court of learned Ad hoc Additional District & Sessions Judge-IV, Saran at Chapra. The learned Judge dismissed the same through order dated 4.5.2013. Hence, this application for grant of bail under Sections-439 and 440 of Cr.P.C.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petition has undergone certain stages before this Court also. The fact, however, remains that it

is pending for past more than two and a half years. Even from the contents of the F.I.R., it is evident that the allegation against the petitioner is that he failed to save his wife and not that he has killed her. At any rate, the petitioner is in jail since 24.12.2012. The investigation into the case is complete and charge-sheet was also filed in 2013 itself. As such, there is no justification to retain the petitioner in jail. The application is allowed.

The petitioner is directed to be released on bail upon furnishing the bail-bonds of Rs.10,000/- (ten thousand) along with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Saran at Chapra in connection with Ishuapur P.S. Case No.36 of 2012.

(L. Narasimha Reddy,CJ)

K.C.jha/-

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