

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36145 of 2015

Arising Out of PS.Case No. -125 Year- 2014 Thana -MUFFASIL District- AURANGABAD

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1. Ghanshyam Pathak Son of Dawarika Nath Pathak resident of village -
Khaniha Tola, Pathak Bigha, Police Station - Muffasil, District -
Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madan Jeet Kumar

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

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

4 24-11-2015 Supplementary affidavit has been filed annexing copy
of the postmortem report. Keep it on the record.

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

The petitioner seeks bail in a case for the offences
punishable under sections 498 (A), 302 and 201/34 of the I.P.C

Neelam Devi, the sister of the informant, was married
with the petitioner eight years ago and due to non fulfillment of
demand of Rs. 1,00,000/- and Pulsar motorcycle she was being
tortured and ultimately she was burnt to death after pouring
kerosene oil on her body.

Submission is of false implication and that the



deceased died due to accidental burn injury while cooking food in the kitchen and the petitioner and his family members tried to rescue the deceased and in that course they also got burn injury. The wife of the petitioner was treated at Sadar Hospital, Aurangabad and thereafter at Anugrah Narayan Magadh Medical College, Gaya and then in Varanasi. During investigation the daughter of the deceased has supported regarding accidental burn and other witnesses have also stated that in the kitchen the deceased received burn injury and during treatment she died and as such the petitioner who is suffering in custody since 09.04.2015 deserves sympathetic consideration. 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, but fairly submits that Aditiya Kumari, the daughter of the deceased, has not supported the prosecution version. The other witnesses have also not supported the prosecution version.

In the facts and circumstances as stated above, considering that charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such 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. Aurangabad in Aurangabad Muffasil P.S. Case No. 125 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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