

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36163 of 2015

Arising Out of PS.Case No. -537 Year- 2014 Thana -BHABHUA District- BHABHUA (KAIMUR)

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1. Kanhaiya Prasad Jaiswal Son of Mevalal Jaiswal resident of village -
Deuwan, Police Station - Chainpur, District - Kaimur at Bhabua

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh

For the Opposite Party/s : Mr. Manoj Kumar (App)

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

ORAL ORDER

3 24-11-2015

Heard the learned counsel for the petitioner as well as

the learned A.P.P.

The petitioner seeks bail in a case for the offence
punishable under section 304-B of the I.P.C

Jyoti Jaiswal, daughter of the informant, was married
with the petitioner on 02.05.2011 and due to non fulfillment of
demand of gold chain and motorcycle she was being tortured, she
was brutally assaulted and was thrown from the roof-top and then
she was brought to Varanasi where she was senseless and
ultimately she died.

Submission is of false implication and that the
medical evidence does not corroborate the prosecution version,
during investigation the witnesses Chameli Kuwar and Kaushal
Patel vide paragraphs- 6 and 7 have stated that wife of the

petitioner fell down from the roof and thereafter she was brought at Vanaras for treatment but was not saved and the petitioner in this false case is suffering in custody since 18.05.2015.

The learned A.P.P. fairly submits that the witnesses vide paragraphs- 6 and 7 have 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. Kaimur at Bhabua in Bhabua P.S. Case No. 537 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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