

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49326 of 2015

Arising Out of PS.Case No. -26 Year- 2015 Thana -MAJHAULIA District-
WESTCHAMPARAN(BETTIAH)

=====

1. Rajesh Mukhiya Son of Late Sudama Mukhiya Resident of Village -
Bekhabara, Post - Mathiyabrit, Police Station - Majhauliya, District - West
Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7

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

=====

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

ORAL ORDER

3 04-12-2015 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Majhauliya
P.S. Case No. 26 of 2015 registered for the offences punishable
under Sections 304(B) and 120(B) of the Indian Penal Code.

Babita Devi the daughter of the informant was married
to the petitioner and out of the wedlock two daughters and one son
were born and thereafter due to non-fulfillment of demand of Rs.
50,000/- the petitioner and other in-laws started torturing her and
lastly burnt her and thereafter she was brought for treatment at
M.J.K. Hospital, Bettiah and from there she was referred to
P.M.C.H., Patna.



Submission is of false implication and the petitioner was having cordial relation with his wife and at the time of cooking food she was burnt and the petitioner tried his best to save her and in that process, the petitioner also suffered injury. The wife of the petitioner was brought for treatment by the petitioner and his family members. She was also treated at Sparsh Heritage Hospital, Patna and after discharge from hospital, she was brought to her *Mayke* by the complainant/informant where she died after 7-8 days. The statement of the wife of the petitioner was not recorded at anywhere which falsifies the case of the informant. The informant to grab some money lodged this false case, resulting the petitioner is suffering in custody since 18.05.2015. During investigation, except the informant no other witnesses have supported the allegation of the prosecution and all have stated that the petitioner tried his best to save his wife.

The learned A.P.P. after going through the case diary fairly submits that the informant has supported the prosecution version.

In the facts and circumstances stated above, considering that other witnesses have not supported the prosecution version, 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 C.J.M., Bettiah, West Champaran arising out of Majhauriya P.S. Case No. 26 of 2015 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.

sushma/-

U			
---	--	--	--

(Jitendra Mohan Sharma, J)