

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22965 of 2015

Arising Out of PS.Case No. -34 Year- 2014 Thana -DULHIN BAZAR District- PATNA

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1. Ashok Sao, Son of Kamleshwar Sao @ Kameshwar Sao, Resident of Village- Bharatpura, P.S. Dulhin Bazar, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Goutam

For the Opposite Party/s : Mr. Raj Ballabh Singh(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 08-10-2015 Heard the learned counsel for the petitioner as well as the learned A.P.P.

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

A dead body floating in the water in Punpun river was found and accordingly on the basis of fardbeyan of chaukidar Sheo Paswan case was registered against unknown that some unknown criminals murdered the lady at any other place and threw away the dead body. During investigation the petitioner being the husband of that lady has been made accused as in the postmortem report cause of death was found due to asphyxia leading to C.R. failure.

Submission is of false implication and that Naihar people of the deceased has also sworn affidavit showing innocence

of the petitioner and further the witnesses have also stated that the deceased was brought to hospital for treatment but she died. Charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such the petitioner deserves sympathetic consideration, to which the learned A.P.P. does not oppose.

In the facts and circumstances as stated above, considering that there is no direct evidence against the petitioner, 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 A.C.J.M. Danapur in Dulhin Bazar P.S. Case No. 34 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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