

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25773 of 2015

Arising Out of PS.Case No. -455 Year- 2014 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN(MOTIHARI)

1. Binod Prasad Son of Ram Nihora Prasad m resident of Village
Batrawliya , P.S.- Motihari Mufasil , District East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilesh Kumar

For the Opposite Party/s : Mr. Manoj Kumar 1(App)

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

3 09-10-2015 Heard the learned counsel for the petitioner, the
learned A.P.P as also the learned counsel for the Informant.

The petitioner seeks bail in a case for the offences
punishable under sections 302, 120B/34 of the I.P.C

The informant being *fufera* brother of Sunita Devi
filed written application alleging that he received telephonic
information that Sunita Devi has been murdered by the petitioner
and his family members and they have thrown the dead body on
Motihari Pakri Dayal road. Out of wedlock two sons and a
daughter were born and the deceased was complaining that her
husband has illicit relationship with his *Bhabhi*. Earlier also case
under section 498 A I.P.C was filed wherein after compromise the

petitioner has brought her.

Submission is of false implication and that the deceased died in road accident. There is no direct or indirect circumstantial evidence against the petitioner. The petitioner was not present at home on the alleged date of occurrence. The two sons and daughter have also not been examined who were competent to disclose the real facts. The petitioner is suffering in custody since 07.01.2015 and the witnesses examined in paragraphs- 8, 9 and 10 of the case diary are hear say witnesses.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that the petitioner being husband cannot escape from the liability and it came during investigation that he was having illicit relationship with his *Bhabhi* and due to that the deceased was killed and thrown on the road.

In the facts and circumstances as stated above, considering that marriage has taken place about 15 years ago, charge sheet has already been submitted, the two sons and daughter of the deceased have not been examined during investigation and as such considering detention of the petitioner now 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. Motihari, East Champaran in Motihari Mufasil P.S. Case No. 455 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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