

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.36075 of 2015**

Arising Out of PS.Case No. -46 Year- 2014 Thana -PAUTHU District- AURANGABAD

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1. Chintoo Prajapat Son of Jagdeo Prajapat resident of village - Harbansa,  
P.S. Pauthu, District - Aurangabad

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Bindeshwar Prasad Singh

For the Opposite Party/s : Mr. Md.Ansarul Haque(App)

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

3      24-11-2015                      Heard learned counsel for the petitioner and learned  
A.P.P for the State.

The petitioner seeks bail in a case for the offences punishable under Sections 304(B), 201/34 of the Indian Penal Code and 3 / 4 of Dowry Prohibition Act.

Sabita Devi, the daughter of the informant was married with the petitioner on 07.05.2014 and due to non fulfilment of demand of Hero Hoda motorcycle she was being tortured and was killed.

Submission is of false implication, nothing was ever demanded, during investigation vide Paras 5,19,20,21 and 22 of the case diary witnesses have stated that the wife of the petitioner died due to sun stroke and the informant demanded articles given at the time of marriage, which were returned but Rs. 30,000/- was not returned and then lodged this case. The petitioner is suffering in custody since 26.12.2014 having no criminal antecedent, charge sheet has already been submitted and there is

no chance of tampering with the prosecution evidence.

Learned A.P.P. duly assisted by the informant opposes the prayer of bail by submitting that during investigation some of the witnesses have supported the prosecution version.

In the facts and circumstances, as stated above, considering that during investigation the witnesses vide Paras 5,19,20,21 and 22 have not supported the prosecution version and charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioner, Chintoo Prajapat, 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 learned C.J.M., Aurangabad in Pauthu P.S.Case no. 46/2014, 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 also 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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