

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.43158 of 2015**

Arising Out of PS.Case No. -75 Year- 2015 Thana -KANKARBAGH District- PATNA

1. Amit Kumar S/o Suresh Kumar Singh, resident of Mohalla- Chandmari Road, Gali No.1, Kankarbagh, P.S.- Kankarbagh, District- Patna.

.... .... Petitioner/s

Versus

1. The State of Bihar

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

**Appearance :**

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Shakir Ahmad(App)

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

4      02-12-2015      Heard learned counsel for the petitioner and learned A.P.P. representing the State.

The petitioner seeks bail in connection with Kankarbagh P.S. Case No. 75 of 2015 registered for the offence punishable under Sections 304(B)/34 of the Indian Penal Code.

Soni Devi the daughter of the informant was married to the petitioner in the year 2012 and due to non-fulfillment of demand of dowry by way of motorcycle, she was being tortured and assaulted by the petitioner and other in-laws and ultimately she was done to death.

Submission is of false implication and that the petitioner was suffering from ellipse and was being treated by eminent doctor and due to disease of the petitioner, his wife was



not satisfied with the marriage and took extreme step for committing suicide while the petitioner was out of his house. The doctor who has conducted postmortem has opined the cause of death asphyxia due to hanging and, as such, no offence under Section 304-B IPC is made out. The petitioner is suffering in custody since 04.02.2015. Chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. opposes the prayer of bail by submitting that the petitioner is the husband and his wife died within three years of marriage.

In the facts and circumstances stated above, considering that the doctor has opined the cause of death asphyxia due to hanging, 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 Judicial Magistrate, 1st class, Patna arising out of Kankarbagh P.S. Case No. 75 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/-

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**(Jitendra Mohan Sharma, J)**