

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51206 of 2014

Arising Out of PS.Case No. -204 Year- 2014 Thana -BIHTA District- PATNA

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Vikash Raj son of Rabindra Rai, Resident of Village- Neura, Kumhar Toli,
P.S.- Bihta, District- Patna

.... **Petitioner.**

Versus

The State of Bihar

.... **Opposite Party.**

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Appearance :

For the Petitioner/s : Mr. Vibhuti Ranjan Sonvadra

For the Opposite Party/s : Mr. T.N.Thakur (App)

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

3 04-03-2015

Heard the learned counsel for the petitioner.

No body appears on behalf of the State to oppose
the prayer for bail.

The petitioner seeks regular bail in connection
with S.Tr. No. 925/2014 arising out of Bihta P.S.Case No.
204/2014 under Sections 498(A), 304(B)/34 of the Indian Penal
Code and 3/4 of the D.P.Act.

The petitioner is the husband of the deceased lady
and the allegation is that he alongwith his parents and other kins
has killed his wife due to non-fulfillment of demand of dowry. It
has been submitted by the learned counsel for the petitioner that
during the investigation, the materials have surfaced that the
deceased lady had relationship with another person and there was



threat of blackmail also. It has been further submitted that the petitioner and his family members earlier objected against her conduct and ultimately the matter was settled and a petition was accordingly filed duly signed by the father of the deceased lady, her father-in-law, her husband and the deceased lady herself. It has also been submitted that during the investigation it has been found that the petitioner was not in his house when the occurrence took place nor his parents or other kins were therein in the house at the time of occurrence and only a maid servant was there whose statement as recorded in the case diary has brought out the real facts. It has also been pointed out that no substantial injury on the body of the deceased has been mentioned in the postmortem report. The learned counsel for the petitioner has propounded that the probability cannot be ruled out that the deceased lady was mentally perturbed which fact also appears from a letter written by her as mentioned in the case diary and therefore she might have taken poison or some other substance leading to her death. In sum and substance the submission by the learned counsel for the petitioner is that even during the investigation sufficient material has not come to establish the charges against the petitioner under Section 304B IPC.

In view of the facts and circumstances of the case

and after considering the submissions, let the above named petitioner 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 Additional Sessions Judge-I, Danapur in connection with S.Tr.No. 925/2014 arising out of Bihta P.S.Case No.204/2014 subject to the following conditions:

- (a) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court;
- (b) The petitioner shall be well represented on each date in the court below and his failure to do so on two sequential dates shall entail cancellation of his bail bonds;
- (c) The petitioner shall abide by the above conditions scrupulously and in case of violation of any of the conditions, the prosecution would be at liberty to move the Court for cancellation of bail.

(V. Nath, J)

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