

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49479 of 2015

Arising Out of PS.Case No. -101 Year- 2015 Thana -CHANPATIA District-
WESTCHAMPARAN(BETTIAH)

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1. Rajan Pandey Son of late Upendra Pandey Resident of Village ; Parsauna
P.s Chanpatiya ,District West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Adya Singh

For the Opposite Party/s : Mr. Binod Kumar 3(App)

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

ORAL ORDER

3 16-12-2015 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with
Chanpatiya P.S. Case No. 101 of 2015 registered for the offence
punishable under Section 304(B) of the Indian Penal Code.

Kalpana Devi, the sister of the informant, was married
to petitioner in the year 2012 and on 23.05.2015, the informant
was informed that his sister has been burnt to death and then he
went there and found his sister dead and it is alleged that the
petitioner and mother-in-law used to assault and torture her and
ultimately burnt her.

Submission is of false implication and that no offence



under Section 304(B) IPC is made out as in the F.I.R., there is no allegation of demand of dowry. The wife of the petitioner used to flee away to the house of other villager and when she was asked, she caused threats to commit suicide and for that Sanha was lodged on 24.12.2014 itself which is signed by the petitioner and other villagers vide annexure-3. The mother-in-law has already been allowed bail vide annexure-4, and the petitioner who is suffering in custody since 10.07.2015, having no criminal antecedent, deserves sympathetic consideration as 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 petitioner is the husband.

In the facts and circumstances stated above, considering that in the written report, there is no allegation for demand of dowry and further has submitted that sanha was lodged earlier vide annexure-3 and as 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 C.J.M., Bettiah (West

Champaran) arising out of Chanpatiya P.S. Case No. 101 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)