

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3339 of 2016

Arising Out of PS.Case No. -223 Year- 2015 Thana -SURSAND District- SITAMARHI

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1. Rajesh Kumar @ Munna Son of Srvesh Kumar @ Shivshankar Chaudhary, Resident of Village - Meghpur, P.S. - Sursand, District - Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur-2, Adv.

For the informant : Mr. Pushpendra Kr. Singh, Adv.

For the Opposite Party/s : Mr. Dr. Ajit Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 16-03-2016 Heard learned counsel for the petitioner and learned A.P.P. representing the State.

The petitioner seeks bail in connection with Sursand P.S. Case No. 223 of 2015 registered for the offence punishable under Section 304-B/34 of the Indian Penal Code.

Allegedly, Uma Kumari, the daughter of the informant was married to the petitioner in the year 2012 and thereafter, due to non-fulfillment of demand of additional dowry, she was being tortured and assaulted and ultimately the informant received information that condition of his daughter is serious and is admitted in Sursand OM Hospital where the informant went there and Uma Kumari stated that she was administered poison

thereafter, during treatment at New Sanjivani Hospital, Belawaganj, Darbhanga, she died.

Submission is of false implication and that the wife of the petitioner was short tempered lady and due to some dispute she consumed poison herself resulting she was brought for treatment in the hospital also where she died but the informant with oblique motive lodged this case. During investigation witnesses, vide para 6, 7, 8 and 9 have stated that the wife of the petitioner consumed poison herself and, as such, the petitioner deserves sympathetic consideration to which the learned A.P.P. duly assisted by the learned counsel for the informant opposes by submitting that the informant and witnesses Dinesh Kumar and Prabhu Narayan Thakur have stated that the deceased before her death stated that she was administered poison and, as such, the petitioner who is husband is solely responsible.

In the facts and circumstances stated above, considering that some of the witnesses have stated that deceased consumed poison herself and, as such, considering the detention of the petitioner and further that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, now he 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 S.D.J.M., Pupari at Sitamarhi in connection with Sursand P.S. Case No. 223 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.

(Jitendra Mohan Sharma, J)

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