

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3559 of 2016

Arising Out of PS.Case No. -66 Year- 2015 Thana -DAUDPUR District- SARAN

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1. RAJESH KUMAR TIWARY @ APPY TIWARY@RAJESH TIWARY
Son of Byas Muni Tiwar, Resident of Village - Jaitpur P.S. Daudpur,
District - Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha

For the Opposite Party/s : Mr. Smt. Asha Devi(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 01-04-2016

Heard the learned counsel for the petitioner as well as
the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences
punishable under sections 304 (B), 201 and 34 of the I.P.C

Sarita Kumari, the daughter of the informant, was
married to the petitioner on 04.06.2009 but allegedly the petitioner
having illicit relationship with his Bhabhi and further due to non
fulfillment of demand of Rs. 5,00,000/- she was being tortured and
ultimately was killed by the petitioner and other in-laws and
further her dead body was also cremated.

Submission is of false implication and that there was
cordial relation between the petitioner and his wife, out of the



wedlock there is daughter aged four years, the wife of the petitioner started suspecting that the petitioner has illicit relationship with his Bhabhi resulting there was some trivial dispute and for that she consumed poison, the petitioner brought her for treatment and due information was given to the informant, in presence of the informant the dead body was cremated but later on the informant lodged this false case, the witnesses Rajesh Pandey, Ram Niwas Pandey, Sri Ram Pandey, Fulena Pandey and Bachchapati Pandey, vide paragraphs- 46 to 50 of the case diary, have supported that the deceased consumed poison herself and as such the petitioner deserves sympathetic consideration, to which the learned A.P.P. opposes by submitting that the petitioner is the husband and other witnesses have supported the prosecution version.

In the facts and circumstances as stated above, considering that charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and as the petitioner 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 C.J.M. Saran at Chapra in Daudpur P.S. Case No. 66 of 2015, 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 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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