

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3599 of 2016

Arising Out of PS.Case No. -185 Year- 2014 Thana -SARAIYA District- MUZAFFARPUR

Mithilesh Rai Son of Prabhu Lal Rai Resident of Village- Rahimpur, P.S.-
Vaishali, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baxi S.R.P. Sinha, Sr. Adv.
: Kumari Vandana, Adv.
For the Opposite Party/s : Mr. M. RAB (App)

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

3 17-03-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Saraiya
P.S. Case No. 185 of 2014 registered for the offences punishable
under Sections 304-B and 201/34 of the Indian Penal Code.

Anita Devi, the sister of the informant was married to
the petitioner six years ago and allegedly, due to non-fulfillment of
demand of motorcycle, she was being tortured and assaulted by
the petitioner and other in-laws and ultimately she was killed and
also threw the dead body at Ramdauli Ghat.

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



wedlock there is a six years old son, the wife of the petitioner was suffering from chronic epilepsy and she died during sudden attack of epilepsy as she was going to attend the call of nature in the field and fell down, causing injury in her head. The informant was duly informed but he started demanding money, the parents of the wife of the petitioner have not come forward to support the prosecution version and the informant is cousin of the wife of the petitioner and not own brother. The other witness is the uncle of the wife of the petitioner, independent witnesses vide para 22, 23 and 24 have not supported the prosecution version and, as such, the petitioner deserves sympathetic consideration as he is suffering in custody since 18.03.2015. 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 during postmortem examination three injuries have been found on the person of the deceased.

In the facts and circumstances stated above, considering that 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 12th Additional Sessions Judge, Muzaffarpur in connection with Saraiya P.S. Case No. 185 of 2014 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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