

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4155 of 2016

Arising Out of PS.Case No. -105 Year- 2015 Thana -CHANAN District- BANKA

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Manish Singh Son of Subhash Singh, Resident of Village- Hiraraidih, P.S.
Chandan, District- Banka.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

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

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

4 03-05-2016

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 section 304 (B)/34 of the I.P.C and section 3 of the Dowry Prohibition Act.

Mamta Devi, the daughter of the informant, was married to the petitioner three years ago and allegedly due to non fulfillment of demand of dowry by way of motorcycle she was being tortured by the petitioner and other in-laws and ultimately she was poisoned to death.

Submission is of false implication and that there was cordial relation between the petitioner and his wife, both have performed love marriage, there was no question to demand anything by way of dowry, during investigation the independent witnesses, vide paragraphs- 20 and 21 of the case diary, have

stated that the petitioner and his wife were living separately and they were facing financial crises and under frustration the wife of the petitioner consumed poison, she was brought to the hospital for treatment, her parents were also informed but the informant lodged this false case, the petitioner is suffering in custody since 02.11.2015 without any fault.

The learned A.P.P. submits that the petitioner is the husband.

In the facts and circumstances as stated above, considering that the charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such 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. Banka in Chandan P.S. Case No. 105 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.

Abhay/-

(Jitendra Mohan Sharma, J)

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