



IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4584 of 2016

Arising Out of PS.Case No. -300 Year- 2015 Thana -BARACHATTI District- GAYA

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1. Santosh Paswan, Son of Ram Lagan Paswan, resident of Village-Basukurha, P.S.- Mohanpur, District- Gaya.

..... Petitioner/s

Versus

1. The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

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

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 30-03-2016 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 offence punishable under section 304 (B) of the I.P.C

Kanchan Kumari, the daughter of the informant, was married to the petitioner in the year 2008 and allegedly due to non fulfillment of demand of dowry the petitioner and other in-laws burnt her to death and also cremated the dead body.

Submission is of false implication and that admittedly the informant got knowledge on 23.07.2015 but the FIR has been lodged on 26.07.2015 after delay of three days, as a matter of fact



due to some trivial dispute the wife of the petitioner was under the depression and at the time of cooking meal fire caught her and due information was given to the informant, in presence of the informant the dead body was cremated but due to the oblique motive the informant lodged this case, during investigation the witnesses have not supported the allegation that the petitioner ever tortured his wife, no offence under section 304 (B) of the I.P.C. is made out and the informant after realizing the truth has filed compromise petition, vide Annexure-2, and as such the petitioner deserves sympathetic consideration as he is suffering in custody since 25.11.2015.

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

In the facts and circumstances as stated above, considering that now the informant is differing from his earlier version 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 A.C.J.M. Sherghati (Gaya) in Barachatti (Mohanpur) P.S. Case No. 300 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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