

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9515 of 2016

Arising Out of PS.Case No. -289 Year- 2015 Thana -KESARIA District-
EASTCHAMPARAN(MOTIHARI)

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1. Rupesh Kumar Singh Son of Madan Singh resident of village Kadhan,
P.S. Kesariya, District - East Champaran..... Petitioner

Versus

1. The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava
For the Opposite Party/s : Mr. R.S.Choudhary (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 02-05-2016 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Kesariya P.S.
Case No. 289 of 2015 registered for the offence punishable under
Section 304B of the Indian Penal Code.

Saroj 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 by way of gold chain and motorcycle she was being
tortured by the petitioner and other in-laws and ultimately she was
burnt to death.

Submission is of false implication and that the petitioner was
having cordial relation with his wife, nothing was ever demanded, the
petitioner at the relevant time was at Rajasthan, there was no family
members in the house and due to some trivial dispute the wife of the
petitioner committed suicide by burning herself, the witnesses vide
paragraphs 12, 13, 14 and 15 have supported the same and after

completing investigation chargesheet was submitted under Section 306 of the Indian Penal Code. The petitioner without any fault is suffering in custody since 18.12.2015 and as such he deserves sympathetic consideration to which the learned APP duly assisted by learned counsel for the informant opposes by submitting that the tongue of the deceased was found protruding.

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, 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 11th A.C.J.M., Motihari, East Champaran in connection with Kesaria P.S. Case No. 289 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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