

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8329 of 2016

Arising Out of PS.Case No. -158 Year- 2014 Thana -CHENARI District- SASARAM (ROHTAS)

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1. CHANDAN RAM, S/o Kamta Ram, R/o Village- Kinar Chola, Po-Dumri, PS-Chenari, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Sinha
Ms. Nirmala Kumari

For the Opposite Party/s Mr. Rajendra Singh Shastrijee (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

02/ 04.05.2016 Heard learned counsel for the petitioner as well as learned Addl. Public Prosecutor for the State assisted by learned counsel for the informant.

Petitioner happens to be husband of the deceased and is languishing in jail custody since 7.10.2015 in a case registered under sections 304B, 201/34 of the Indian Penal Code.

The marriage of the deceased had taken place with the petitioner in the year 2012 and it would appear from perusal of the first information report that after marriage deceased had given birth to a child and again, she was pregnant at the time of alleged occurrence. Furthermore, it would appear that father of the petitioner gave information to the informant regarding ill health of the deceased on 19.9.2014 and having got the aforesaid information, informant along with some others came at the village of the petitioner and came to

know that deceased was taken for treatment but subsequently, dead body of the deceased was brought and the informant noticed some injuries on her person. Furthermore, it would appear that informant made attempt to lodge the case but dead body of the deceased was cremated and allegedly, petitioner and his other family members took the signature of the informant as well as her husband on plain paper.

Informant gave written report to the Superintendent of Police on 25.9.2014 i.e. after six days of death of the deceased.

Learned counsel for the petitioner submits that deceased died of her illness and the dead body of the deceased was cremated in presence of the informant and other witnesses but subsequently, informant lodged this false case with ulterior motive.

Learned counsel appearing for the informant opposes the prayer submitting that in course of investigation not only informant but some other witnesses also supported the prosecution story and specifically stated that when informant made an attempt to lodge the case, the concerned police officer did not register the case of the informant.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate VII, Sasaram (Rohtas) in Chenari P.S. Case no. 158/2014.

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(Hemant Kumar Srivastava,J)

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