

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12556 of 2016

Arising Out of PS.Case No. -80 Year- 2015 Thana -DHURAIYA District- BANKA

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1. Ajay Purvey Son of Arjun Purvey Resident of village - Uchdiha, P.S.
Dhuriaya, District - Banka

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajiv Kumar Singh

For the Opposite Party/s : Mr. Lallan Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

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

The petitioner seeks bail in connection with S.T. No. 321 of 2015 arising out of Dhuraiya P.S. Case No. 80 of 2015 registered for the offences punishable under Sections 324 and 307/34 of the Indian Penal Code and later on Section 302 IPC has also been added.

Allegedly, the petitioner and other co-accused burnt the informant after sprinkling kerosene oil as the informant was demanding her share after the death of her husband for which the petitioner and other family members were not ready. During treatment the informant died.

Submission is of false implication and that the



informant burnt herself as during Panchayati, it was decided to give share to her children and not to the informant, the petitioner has filed Information Application before Sub-Divisional Magistrate, Banka against the informant and Bhagwan Singh, the informant has killed her husband under conspiracy with one Bhagwan Singh. The daughter of the informant has not supported the version of her mother and her statement has been video graphed, the petitioner is suffering in custody since 07.06.2015, independent witnesses, namely, Anju Devi, Jagdish Mandal, Jageshwar Thakur, Kanchan Kumar and Shrikant Kumar vide para 7 to 11 of the case diary have stated that the informant burnt herself to implicate the petitioner and other family members. During supervision the case has been found true under Section 306/34 of the Indian Penal Code vide para 37 of the case diary but the I.O. of the case has submitted chargesheet under Section 302 IPC and other allied sections awaiting the order of Superior Officer, which is not permissible, there is no legal and tangible material against the petitioner and he is suffering in custody since 07.06.2015.

The learned A.P.P. opposes the prayer of bail by submitting that the informant in her further statement has supported the allegation, the defence version appears not probable

and reliable.

In the facts and circumstances stated above, considering the statement of independent witnesses and further 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 1st Additional Sessions Judge, Banka in connection with S.T. No. 321 of 2015 arising out of Dhuraiya P.S. Case No. 80 of 2015 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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