

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29879 of 2015

Arising Out of PS.Case No. -254 Year- 2014 Thana -KADAMKUAN District- PATNA

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1. Arbind Kumar Jisu @ Arbind Kumar @ Arvind Kumar @ Jisu Son of
Lal Babu Prasad @ Lal Babu Gupta resident of Mohalla - Sector 9B,
Bokaro, Qr. No. 180, P.S. Harla, District - Bokaro, Jharkhand

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manendra Kumar Sinha

For the Opposite Party/s : Mr. Satyendra Prasad (App)

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

9 13-01-2016

Heard the learned counsel for the petitioner, the
learned A.P.P. as also the learned counsel for the Informant.

The petitioner seeks bail in a case for the offence
punishable under section 304 B/ 34 of the I.P.C

Priti Kumari, the younger sister of the informant, was
married to the petitioner on 10.12.2013 and after one month of the
marriage the petitioner and other in-laws started demanding cash
of Rs. 5,00,000/-, vehicle and Almirrah and due to non fulfillment
she was being tortured for which the petitioner and others gave
assurance that in future no such act will be committed but she was
done to death at Patna in the house of the elder brother of the
petitioner.



Submission is of false implication and that the petitioner was having cordial relation with his wife, no complaint was filed earlier regarding torture, assault and demand of dowry, the petitioner has gone to Bokaro at the date of occurrence and from Bokaro he was in the way of Kolkata when he received information regarding suicidal death of his wife then he returned back from Kolkata to Patna after catching flight of GoAir Flight No. G8-541 and this fact has been verified by this Court and the Executive Customer Care GoAir has replied in affirmative, during investigation the mediator, vide paragraph-96 of the case diary, the house owner, vide paragraph-104 of the case diary, have stated that the petitioner was not present at the time of occurrence and further the independent witness, vide paragraph-115 of the case diary, has not supported the prosecution version and as such the petitioner who is suffering in custody since 07.11.2014 after his surrender deserves sympathetic consideration as charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that the petitioner is the husband and just within one year unnatural death has been caused as the dead body was found

hanging in the rented room of elder brother of the petitioner.

In the facts and circumstances as stated above, considering that the witnesses, stated above, have stated that the petitioner was out side which is also evident from the report submitted by the Executive Customer Care GoAir dated 02.12.2015 and further considering that 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. Patna in Kadamkuan P.S. Case No. 254 of 2014, 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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