

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.15817 of 2016**

Arising Out of PS.Case No. -91 Year- 2015 Thana -CHAND District- BHABHUA (KAIMUR)

=====

Ram Awadh Son of Ram Kuwar, Resident of village- Goi, P.S.- Chand,  
District- Kaimur at Bhabua

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate.

For the Opposite Party/s : Mr. Satyaverat Verma, APP.

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

5      20-06-2016                      Heard the learned counsel for the petitioner as well  
as the learned A.P.P for the State.

The petitioner seeks bail in connection with Chand  
P.S. Case No. 91 of 2015 registered for the offences punishable  
under Sections 304(B) and 328/34 of the Indian Penal Code.

Kushum Devi, the daughter of the informant was  
married to the petitioner one year ago and allegedly, due to non-  
fulfillment of demand of dowry by way of gold chain and she  
buffalo, she was being tortured and ultimately she was killed  
either by assaulting or by administering poison.

Submission is of false implication and that during



investigation it has come that the wife of the petitioner was pregnant and she was being brought for treatment, she was earlier treated by Dr. Sajay Kumar Yadav of Chandauli Hospital which is evident from Paragraph-19 of the case diary and further earlier also ultrasound was done which is evident from Paragraph-39 of the case diary, there was cordial relation between the petitioner and his wife, nothing was ever demanded, other independent witnesses have also not supported the prosecution version and considering the real fact, the informant has filed compromise petition also in the learned Court below vide Annexure-3 series. No injury was found on the person of the deceased which is evident from post-mortem report also and, as such, the petitioner who is suffering in custody since 31.01.2016 deserves sympathetic consideration to which the learned APP fairly submits that now the informant is retracting from his earlier version.

In the facts and circumstances stated above, considering the chargesheet has already been submitted and there is no chance of tampering with 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

Judicial Magistrate 1<sup>st</sup> Class, Kaimur at Bhabua in connection with Chand P.S. Case No. 91 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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