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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18095 of 2016

Arising Out of PS.Case No. -147 Year- 2015 Thana -MOHIUDDIN NAGAR District-SAMASTIPUR

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1. Sushil Kapar S/o Bhola Kapar, Resident of Village Kursaha, P.S. Mohiuddinnagar, District Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Bijay Bhushan Prasad
For the Opposite Party/s : Mr. Ganesh Pd. Singh(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

4 28-06-2016 Heard learned counsel for the petitioner and learned A.P.P. representing the State.

The petitioner seeks bail in connection with S.T. No. 82 of 2016 arising out of Mohiuddin Nagar P.S. Case No. 147 of 2015 registered for the offences punishable under Sections 302 and 363/34 of the Indian Penal Code.

Allegedly, Ranju Devi @ Manju Devi, the daughter of the informant was married to the petitioner 15 years ago and out of the wedlock there are two daughters. Petitioner and other in-laws used to torture and assault her for not fulfilling the demand of dowry and for that Complaint Case No. 1832 of 2015 was filed but the case was compromised and again she was brought at her in-

laws house where again she was tortured and assaulted and ultimately she was burnt. She was brought at Primary Health Center where she died. It is also alleged that both the grand-daughters are also traceless.

Submission is of false implication and that the petitioner never demanded any thing, his wife was short tampered lady, due to some trivial dispute, she committed suicide with youngest daughter resulting both died. During investigation, the independent witnesses vide para 15, 25, 26, 27 and 28 have stated that the wife of the petitioner committed suicide by burning herself with her youngest daughter. The another daughter was with her grand-mother so she was saved and, as such, the petitioner who is suffering in custody since 15.8.2015 deserves sympathetic consideration as chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. submits that petitioner is the husband and there is allegation for demanding dowry.

In the facts and circumstances stated above, considering the statement of the aforesaid witnesses and further that 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 Additional District and Sessions Judge 6th, Samastipur in connection with S.T. No. 82 of 2016 arising out of Mohiuddin Nagar P.S. Case No. 147 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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