

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18622 of 2016

Arising Out of PS.Case No. -49 Year- 2014 Thana -MAHILA PS District- JEHANABAD

Indrajeet Yadav son of Mahesh Yadav, resident of village- Tenibigaha,
P.S.- Jehanabad, District- Jehanabad

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. A.K.Thakur, Advocate
M/s Kiran Thakur, Advocate
Mr. Shashank Shekhar, Advocate
For the Opposite Party/s : Mr. Lalan Kumar, APP
For the Informant : Mr. Dharendra Kumar Sinha
M/s Soni Kumari

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 28-06-2016 Heard the learned counsel for the petitioner, learned counsel for the informant and the learned A.P.P. representing the State.

The petitioner seeks bail in connection with Jehanabad (Mahila) P.S. Case No. 49 of 2014 registered for the offences punishable under Section 304(B) of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

Raj Laxmi Devi, the daughter of the informant, was married to the petitioner five years ago and allegedly, due to non fulfillment of demand of dowry by way of cash of Rs. five lakhs, gold chain, colour TV and motor-cycle, she was being tortured and assaulted and ultimately, she was assaulted and in

an unconscious state, she was brought at P.M.C.H. where she was declared dead.

Submission is of false implication and that during investigation, independent witness Pramila Kumari vide para-5 of the case diary has stated that the wife of the petitioner fell down from the train and became injured and the petitioner brought her in Sadar Hospital, Jehanabad, for treatment and from there, she was referred to P.M.C.H., the Doctor of the Sadar Hospital has also supported the same vide para-15 of the case diary and further, it has come that the marriage has taken place 10-12 years ago, witness Mukesh Kumar in his statement recorded under Section 164 Cr.P.C. has stated that he saw a lady sitting in the middle of railway bridge and at her request, he informed her husband, other independent witnesses Indrajeet Kumar, Shailesh Kumar and Sonu Kumar vide paras 97, 98 and 99 have also stated that the wife of the petitioner fell down from the train, the cause of death was also due to head injury and, as such, the petitioner who is suffering in custody since 07.10.2015 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 the prayer of bail by

submitting that other witnesses have supported the prosecution version that the petitioner and other in-laws assaulted her brutally and further, in the post-mortem report, five injuries have been found.

In the facts and circumstances stated above, considering the submission of the parties and further that investigation is complete against the petitioner 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 Judicial Magistrate, 1st Class, Jehanabad in connection with Jehanabad (Mahila) P.S. Case No. 49 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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