

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26945 of 2015

Arising Out of PS.Case No. -89 Year- 2014 Thana -KUCHAIKOTE District- GOPALGANJ

1. Dharamnath Sharma son of Jaydev Sharma, resident of village-
Ramgarhwan, P.S.- Kuchaikote, District-Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate
Mr. Javed Aslam, Advocate.
For the State : Mr. Madhura Nand Jha (APP)
For the Informant : Mr. Harendra Prasad, Advocate.

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

6 06-01-2016 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 offences
punishable under sections 307, 498 (A)/34 and 304 (B) of the
I.P.C

Sangita Devi, the daughter of the informant, was
married with the petitioner and she was burnt by the petitioner and
other FIR named accused persons and then she was brought to
Kuchaikote Primary Health Centre for treatment and thereafter she
died at Gorakhpur.

Submission is of false implication and that due to
some dispute the wife of the petitioner burnt herself after closing

the door of the room and the information was given to the informant in this regard and then the informant and others came and brought her for treatment. In the written report in last line vague allegation for demand of dowry by way of motorcycle has been alleged and as such the petitioner who is suffering in custody since 10.07.2014 deserves sympathetic consideration, 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 due to non fulfillment of demand of dowry by way of motorcycle the petitioner and others burnt her and did not take any step for her treatment.

In the facts and circumstances as stated above, considering that independent witnesses Bindeshwari Prasad and Ramadhar Yadav have not supported the prosecution version and they have stated that the deceased burnt herself after closing the door 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. Gopalganj in Kuchaikote P.S. Case No. 89 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)

Abhay/-

U		T	
---	--	---	--