

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39430 of 2015

Arising Out of PS.Case No. -61 Year- 2013 Thana -TIAR District- BHOJPUR

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1. Durgesh Paswan @ Duregesh Paswan, S/o Nandji Paswan, Resident of Village- Kamariaon, P.S.- Tiar, District- Bhojpur. Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Bharat Lal (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 04-01-2016

Heard learned counsel for the petitioner and learned

A.P.P. representing the State.

The petitioner seeks bail in connection with Tiar P.S. Case No. 61 of 2013 registered for the offences punishable under Sections 304(B), 201, 34 of the Indian Penal Code.

Pinki Devi, the daughter of the informant, was married to the petitioner in the year 2007 and allegedly due to non-fulfillment of demand of dowry, she was being tortured and ultimately she was killed by the petitioner and others and her dead body was buried.

Submission is of false implication and that the informant in his further statement has stated that the petitioner married to Pinki Devi in Court and no dowry was given, the petitioner never demanded any dowry and his wife left house on her own, leaving her minor son, there is no eye witness of the

occurrence and some of the witnesses have said that marriage was performed in the temple without any dowry and, as such, the petitioner who is suffering in custody since 05.10.2013, deserves sympathetic consideration, to which the learned A.P.P. opposes.

In the facts and circumstances stated above, considering that some of the witnesses are stating that marriage was performed in a temple without any dowry and the petitioner is in custody since 05.10.2013, chargesheet has already been submitted and case has been committed to the Court of sessions 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 C.J.M., Bhojpur, Ara arising out of Tiar P.S. Case No. 61 of 2013 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.

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(Jitendra Mohan Sharma, J)